

SENATE—Friday, February 27, 1998

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we thank You for the Senate family. You have appointed us to care for one another. We claim the old Scots motto: "Nae above you, nae below you—always with you." We stand with one another as friends. We may have different titles but one calling: To glorify You as we serve our Nation. Bless the Senators with a fresh awareness of Your power.

Grant renewed strength to the Senators' staffs who serve with untiring dedication and unswerving loyalty. Uplift the strategic staffs of both cloakrooms.

Inspire the pages during their time with us. Give them a vision of legislative process done to Your glory.

Grant your protection to the Capitol police and security people, the subway operators, the food service providers, the maintenance crews and the countless others who make the Senate family run smoothly. And we thank You for Don Corrigan, who is retiring today. Don has served for 20 years as an expert transcriber in the Office of the Official Reporters of Debates.

Give to all of the staff a sense of importance and enable all of them to feel esteemed. Thank You for the dignity and the privilege of work. Bless us all, as we reach out to one another with encouragement and affirmation. Through our Lord and Saviour, Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

THE SENATE STAFF

Mr. LOTT. Mr. President, first I would like to express my thanks to the Chaplain for his recognition and expression of appreciation by the Senate for all of those employees who actually make this institution work. The Senators come to the floor and do their jobs legislatively, but without all of our employees who do all the things that make the doors open and the lights come on, we could not get it done. Rather than wait until the end of the session and pass a resolution to say that, I thought I would say it at the beginning. Maybe it will encourage them to work even harder in the interim.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period for morning business until 10 a.m. Following that, the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which funds our Nation's surface transportation infrastructure. It is hoped that the Senate will be able to make good progress on this important legislation during today's session of the Senate. Therefore, Members with amendments to the legislation should contact the managers of the bill to schedule floor time.

In addition, we may consider executive or legislative business cleared for floor action. I believe we cleared four items off the Executive Calendar last night. So, rollcall votes are still possible in today's session, but unless we see more activity than we saw yesterday afternoon, I don't know that we will get to a recorded vote. But we will have some announcement on that at the earliest possible time after I consult with the managers of the bill and the minority leader.

Let me say again, there have been a lot of speeches made on the floor, both last year and earlier this year over the past month, about how important this legislation is, how anxious Senators are to get on this legislation. I have a half dozen to a dozen letters on my desk from Senators saying, "Let's get started; this is so important."

Where are you? We need some amendments. Let's throw it up here on the wall. Let's get started. We are not going to be able to stay on this legislation indefinitely. At some point we are going to have to say OK, we are going to stay in at night, over the weekend, so we can finish this legislation and move on to NATO enlargement, the budget resolution, the Coverdell A-plus education bill, perhaps a supplemental which would provide funds for Bosnia, Iraq, IMF—in part or in whole. So, we have a lot of work to do. I have been saying that now for about a month, and class doesn't seem to be ready to go to work and take the tests. So, again, I plead with my colleagues, let's get some amendments started. I am expecting by late afternoon Monday, and certainly on Tuesday and Wednesday, we are going to be having amendments on a regular basis, and votes.

Let me add this additional encouragement. We are not going to let this just languish. If we have to go to third reading—I have always had this real desire to go to third reading and end it. There are some 200 amendments pending out here. At some hour, some Thursday night, we are going to be

scrambling around here trying to get an agreement on a list of 50 amendments which we will then have to vote on after 5 minutes of debate, or 2 minutes. That's ridiculous.

It has been a nice 3 months, but it's time to go to work. I am going to be counting on some amendments very soon. If we do not have them by the middle of next week, I am going to start doing everything I can to cut off amendments. Because if they are serious, you will come to the floor and offer them.

With that cheery note, Mr. President, observing no Senator anxious to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Chair notes that, under the previous order, the Senate is in a period for the transaction of morning business. The Senator has 10 minutes.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

IRAQ

Mr. ASHCROFT. Mr. President, the latest confrontation with Iraq shines a harsh light on an important truth. The collapse of the Soviet Union consigned to the ash heap of history has not created a world safe for democracy. The "Evil Empire" may have vanished but, alas, the world remains a dangerous and unpredictable place.

In Iraq, we are confronted with a dictator as evil as Hitler. Saddam has killed thousands of his own citizens, licensed acts of terrorism, and produced and stockpiled weapons of mass destruction. It is a reign of terror unmatched in the post-cold war era.

And how has this administration responded? Rather than draw a bright line in the sand, the President has been relegated to the role of spectator.

The Commander in Chief has surrendered his moral authority at home and found himself ill-equipped to defend American interests abroad.

At the moment of truth, America's acting Secretary of State—Kofi Annan—cut a deal with the devil and, tragically, a weakened, uncertain President endorsed the settlement before the ink had even dried.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Today, we hear reports that there is no final consensus on what to do if Iraq violates the settlement. Have we known Saddam to keep his promises? What if he does not adhere to the agreement as in previous cases? The United Nations apparently cannot come to an agreement on what to do about it.

The President's failure to lead has handed America's foreign policy to a cast of functionaries at the United Nations. Mr. President, U.S. foreign policy should not be subcontracted to Kofi Annan or written at the United Nations. America should not sacrifice one ounce—any other ounce—of her sovereignty to the architect and acolytes of one world government.

This ill-conceived transfer of sovereignty has left America and her allies with an emboldened Saddam. In Iraq today, Saddam has a firmer grip on power, carries more regional prestige and can sell more oil. Some dare call this a triumph of diplomacy.

As I indicated to Secretary Albright this week: "Preservation of the status quo is not a diplomatic triumph, Madam Secretary, it's a tragedy. The clear winner of this round is Saddam Hussein."

Instead of being penalized for his defiance, Saddam is winning bonus points: more oil sales, heightened standing, and new momentum to end the sanctioned regime. Ironically, in agreeing to agree, Saddam has committed to do nothing more than he was obliged to do all along.

Mr. President, by the grace of God, America won the cold war. We triumphed over the "Evil Empire" of Lenin and Stalin. It is time for us to stand again for liberty and freedom.

Saddam is a brutal dictator, a tyrant whose actions at home betray his intentions abroad.

Let us sound a certain trumpet for America's vital national interests—in the Middle East and around the world. Let us not be governed by the whims and the will of Kofi Annan and the United Nations. Let America lead the world by the force of our principles and the power of our ideas, with the hope that one day the long tug of memory might look favorably upon us as we look approvingly on those who answered freedom's call in decades past.

Mr. President, I ask unanimous consent that a column which appeared in the Washington Post, Friday, the 27th of February, by Charles Krauthammer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**A DEAL THAT'S WORSE THAN WORTHLESS—
PEACE IN OUR TIME—AGAIN**

Two days before Kofi Annan made his "breakthrough" in Baghdad, the U.N. Security Council, with U.S. approval, authorized a huge increase in the amount of oil that Iraq can sell. In a stroke, this "humani-

tarian" gesture doubled Iraq's oil income to \$10.5 billion a year. Iraq can now sell nearly 2 million barrels a day—about two-thirds of the oil it was selling when producing at peak capacity before the embargo. And that number does not even count the oil that we know Saddam is illegally smuggling through Iranian coastal waters.

At this U.N.- and U.S.-authorized level, Iraq—under sanctions!—becomes the eighth-largest oil exporter in the world.

This embargo-buster passed with little fanfare. It barely made the back pages of the newspapers. All hands pretended, moreover, that there was no linkage between this bonanza and the subsequent Saddam-Annan deal in Baghdad.

But remember that last November, when the administration was desperately looking for a way out of the last Iraq crisis, the State Department said we'd be willing to offer Saddam a "carrot" to get him to be nice. Such as? Such as a sharp increase in the amount of "humanitarian" oil that Iraq could sell.

So last time, when Saddam broke the Gulf War agreements and kicked out U.S. arms inspectors, the carrot was offered. This time, when Saddam broke the Gulf War agreements and stymied all the arms inspectors, the carrot was delivered.

Last time, President Clinton flapped about threateningly, then watched meekly as the Russian foreign minister brokered a "compromise." This time, Clinton flapped about threateningly, then watched meekly as the U.N. secretary general brokered a new "compromise."

Last time, Clinton's U.N. ambassador crowed that Saddam had "blinked." This time, Madeleine Albright's spokesman deemed the deal "win-win" for us.

Last time, the deal turned out to be completely worthless, giving Saddam four more months to hide his nasty stuff. This time, the deal is worse than worthless, giving Saddam crucial victories on the two issues he cares most about: economic sanctions and weapons inspections.

1. Sanctions. Not only did Saddam incur no penalty for his open defiance of the United Nations and open provocation of the United States, he was treated by Annan with a deference and flattery that bordered on the indecent. Moreover, the Annan-Saddam Memorandum of Understanding breathes not a word of criticism about Iraq's violating previous agreements, nor about its creating this crisis. On the contrary, Annan trashed his own arms inspectors (UNSCOM) as unruly "cowboys" and undertook, in writing, to bring Saddam's ultimate objective, the lifting of sanctions, "to the full attention of the members of the Security Council."

Sure enough, upon his return to New York, Annan began emphasizing the need to show Iraq "the light at the end of the tunnel," the Iraqi code phrase for ending sanctions. Like Russian Foreign Minister Yevgeny Primakov, who brokered the first nonagreement in November, Annan has become Saddam's sanctions-lifting advocate to the world. Unlike Saddam buddy and ex-KGB biggie Primakov, however, Annan is an effective shill.

2. Inspections. The United States had demanded no retreat from free and full access and no tampering by Iraq with the composition and authority of UNSCOM teams. Annan came back with a radical change in the composition of the inspection teams and a serious erosion of their authority. Inspection of "presidential sites," those huge complexes with hundreds of buildings where Sad-

dam could be hiding anything, is taken away from control of UNSCOM, the tough inspectors whose probity we can rely on.

These sites are instead entrusted to a new body, headed by an Annan appointee. It will comprise political appointees, including diplomat-spies from Iraq-friendly France, Russia and China, as well as inspectors who presumably possess the requisite delicacy and sensitivity to Iraqi feelings. Iraqis can be so touchy about their stores of poison gas and anthrax.

How do you carry out a spot inspection—the only kind that has any hope of finding anything—when you first have to notify and await the arrival of, say, the Russian appointee, who has a hot line to the very Iraqi regime he is supposed to inspect? Inspector Clouseau has a better chance of finding concealed nerve gas than this polyglot outfit of compromised politicians and handpicked inspectors.

So tote it up. For Saddam: No penalty. Annan shilling for his demand to end all sanctions. UNSCOW undermined. Presidential palaces secure for storing anthrax and such. And his oil output doubled.

Another triumph of Clinton diplomacy.

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1997

Mr. ASHCROFT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

The PRESIDING OFFICER (Mr. GREGG) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1150) entitled "An Act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Agricultural Research, Extension, and Education Reauthorization Act of 1997".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COORDINATION, PLANNING, AND DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Sec. 101. Priorities and management principles for federally supported and conducted agricultural research, education, and extension.

Sec. 102. Principal definitions regarding agricultural research, education, and extension.

Sec. 103. Consultation with National Agricultural Research, Extension, Education, and Economics Advisory Board.

- Sec. 104. Relevance and merit of federally funded agricultural research, extension, and education.
- Sec. 105. Expansion of authority to enter into cost-reimbursable agreements.
- Sec. 106. Evaluation and assessment of agricultural research, extension, and education programs.

TITLE II—REFORM OF EXISTING RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

- Sec. 201. Adoption of short titles for Smith-Lever Act and Hatch Act of 1887.
- Sec. 202. Consistent matching funds requirements under Hatch Act of 1887 and Smith-Lever Act.
- Sec. 203. Plans of work to address critical research and extension issues and use of protocols to measure success of plans.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

- Sec. 211. Plans of work for 1890 land-grant colleges to address critical research and extension issues and use of protocols to measure success of plans.
- Sec. 212. Matching funds requirement for research and extension activities at 1890 land-grant colleges, including Tuskegee University.
- Sec. 213. International research, extension, and teaching.
- Sec. 214. Task force on 10-year strategic plan for agricultural research facilities.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

- Sec. 231. Agricultural genome initiative.

Subtitle D—National Research Initiative

- Sec. 241. Waiver of matching requirement for certain small colleges and universities.

Subtitle E—Other Existing Laws

- Sec. 251. Findings, authorities, and competitive research grants under Forest and Rangeland Renewable Resources Research Act of 1978.

TITLE III—EXTENSION OR REPEAL OF RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Extensions

- Sec. 301. National Research Initiative under Competitive, Special, and Facilities Research Grant Act.
- Sec. 302. Equity in Educational Land-Grant Status Act of 1994.
- Sec. 303. Education grants programs for Hispanic-serving institutions.
- Sec. 304. General authorization for agricultural research programs.
- Sec. 305. General authorization for extension education.
- Sec. 306. Grants and fellowships for food and agricultural sciences education.
- Sec. 307. Grants for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
- Sec. 308. Policy research centers.
- Sec. 309. Human nutrition intervention and health promotion research program.
- Sec. 310. Pilot research program to combine medical and agricultural research.
- Sec. 311. Food and nutrition education program.
- Sec. 312. Animal health and disease continuing research.

- Sec. 313. Animal health and disease national or regional research.
- Sec. 314. Grant program to upgrade agricultural and food sciences facilities at 1890 land-grant colleges.
- Sec. 315. National research and training centennial centers.
- Sec. 316. Supplemental and alternative crops research.
- Sec. 317. Aquaculture research and extension.
- Sec. 318. Rangeland research.
- Sec. 319. Federal agricultural research facilities.
- Sec. 320. Water quality research, education, and coordination.
- Sec. 321. National genetics resources program.
- Sec. 322. Agricultural telecommunications program.
- Sec. 323. Assistive technology program for farmers with disabilities.
- Sec. 324. National Rural Information Center Clearinghouse.
- Sec. 325. Critical Agricultural Materials Act.

Subtitle B—Repeals

- Sec. 341. Aquaculture research facilities.
- Sec. 342. Agricultural research program under National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981.
- Sec. 343. Livestock product safety and inspection program.
- Sec. 344. Generic authorization of appropriations.

TITLE IV—NEW RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Partnerships for High-Value Agricultural Product Quality Research.

- Sec. 401. Definitions.
- Sec. 402. Establishment and characteristics of partnerships.
- Sec. 403. Elements of grant making process.
- Sec. 404. Authorization of appropriations and related provisions.

Subtitle B—Precision Agriculture

- Sec. 411. Definitions.
- Sec. 412. Competitive grants to promote precision agriculture.
- Sec. 413. Reservation of funds for education and information dissemination projects.
- Sec. 414. Precision agriculture partnerships.
- Sec. 415. Miscellaneous provisions.
- Sec. 416. Authorization of appropriations.

Subtitle C—Other Initiatives

- Sec. 421. High-priority research and extension initiatives.
- Sec. 422. Organic agriculture research and extension initiative.
- Sec. 423. United States-Mexico joint agricultural research.
- Sec. 424. Competitive grants for international agricultural science and education programs.
- Sec. 425. Food animal residue avoidance database program.
- Sec. 426. Development and commercialization of new biobased products.
- Sec. 427. Thomas Jefferson Initiative for Crop Diversification.
- Sec. 428. Integrated research, education, and extension competitive grants program.
- Sec. 429. Research grants under Equity in Educational Land-Grant Status Act of 1994.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Role of Secretary of Agriculture regarding food and agricultural sciences research, education, and extension.
- Sec. 502. Office of Pest Management Policy.
- Sec. 503. Food Safety Research Information Office and national conference.

- Sec. 504. Nutrient composition data.
- Sec. 505. Availability of funds received or collected on behalf of National Arbo-retum.
- Sec. 506. Retention and use of Agricultural Research Service patent culture collection fees.
- Sec. 507. Reimbursement of expenses incurred under Sheep Promotion, Research, and Information Act of 1994.
- Sec. 508. Designation of Kika de la Garza Subtropical Agricultural Research Center, Weslaco, Texas.
- Sec. 509. Sense of Congress regarding Agricultural Research Service emphasis on in field research regarding methyl bromide alternatives.
- Sec. 510. Sense of Congress regarding importance of school-based agricultural education.
- Sec. 511. Sense of Congress regarding designation of Department Crisis Management Team.

TITLE I—COORDINATION, PLANNING, AND DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. PRIORITIES AND MANAGEMENT PRINCIPLES FOR FEDERALLY SUPPORTED AND CONDUCTED AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

(a) PRIORITY SETTING PROCESS.—Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended—

(1) by inserting “(a) PURPOSES.—” before “The purposes”; and

(2) by adding at the end the following new subsection:

“(b) PRIORITY SETTING PROCESS.—Consistent with subsection (a), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department. In establishing such priorities, the Secretary shall solicit and consider input and recommendations from the Advisory Board and persons who conduct or use agricultural research, extension, or education.”

(b) MANAGEMENT PRINCIPLES.—Such section is further amended by adding after subsection (b), as added by subsection (a)(2), the following new subsection:

“(c) MANAGEMENT PRINCIPLES.—To the maximum extent practicable, the Secretary shall ensure that agricultural research, education, and extension activities conducted or funded by the Department are accomplished in a manner that—

“(1) integrates agricultural research, education, and extension functions to better link research to technology transfer and information dissemination activities;

“(2) encourages multi-State and multi-institutional programs to address relevant issues of common concern and to better leverage scarce resources; and

“(3) achieves agricultural research, education, and extension objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.”

(c) CLERICAL AMENDMENT.—The heading of such section is amended by inserting “, PRIORITIES, AND MANAGEMENT PRINCIPLES” after “PURPOSES”.

SEC. 102. PRINCIPAL DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

(a) FOOD AND AGRICULTURAL SCIENCES.—Paragraph (8) of section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended to read as follows:

"(8) **FOOD AND AGRICULTURAL SCIENCES.**—The term 'food and agricultural sciences' means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including (but not limited to) activities relating to the following:

"(A) Animal health, production, and well-being.

"(B) Plant health and production.

"(C) Animal and plant germ plasm collection and preservation.

"(D) Aquaculture.

"(E) Food safety.

"(F) Soil and water conservation and improvement.

"(G) Forestry, horticulture, and range management.

"(H) Nutritional sciences and promotion.

"(I) Farm enhancement, including financial management, input efficiency, and profitability.

"(J) Home economics.

"(K) Rural human ecology.

"(L) Youth development and agricultural education, including 4-H.

"(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and comprehension.

"(N) Information management and technology transfer related to agriculture.

"(O) Biotechnology related to agriculture."

(b) **REFERENCES TO TEACHING OR EDUCATION.**—Paragraph (14) of such section is amended by striking "the term 'teaching' means" and inserting "TEACHING AND EDUCATION.—The terms 'teaching' and 'education' mean".

(c) **APPLICATION OF DEFINITIONS TO AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.**—Such section is further amended by striking the section heading and all that follows through the matter preceding paragraph (1) and inserting the following:

"SEC. 1404. PRINCIPAL DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

"When used in this title or any other law relating to any research, extension, or education activities of the Department of Agriculture regarding the food and agricultural sciences (unless the context requires otherwise):"

(d) **IN-KIND SUPPORT.**—Such section is further amended by adding at the end the following new paragraph:

"(18) **IN-KIND SUPPORT.**—The term 'in-kind support', with regard to a requirement that the recipient of funds provided by the Secretary match all or some portion of the amount of the funds, means contributions such as office space, equipment, and staff support."

(e) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) by striking "the term" in paragraphs (1), (2), (3), (5), (6), (7), (10) through (13), and (15), (16), and (17) and inserting "The term";

(2) in paragraph (4), by striking "the terms" and inserting "The terms";

(3) in paragraph (9), by striking "the term" the first place it appears and inserting "The term";

(4) by striking the semicolon at the end of paragraphs (1) through (7) and (9) through (15) and inserting a period; and

(5) in paragraph (16)(F), by striking "and" and inserting a period.

SEC. 103. CONSULTATION WITH NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Subsection (d) of section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended to read as follows:

"(d) **CONSULTATION.**—

"(1) **AS AFFECTING ADVISORY BOARD.**—In carrying out this section, the Advisory Board shall solicit opinions and recommendations from persons who will benefit from and use federally funded agricultural research, extension, education, and economics.

"(2) **AS AFFECTING SECRETARY.**—To comply with a provision of this title or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

"(A) solicit the written opinions and recommendations of the Advisory Board; and

"(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board."

SEC. 104. RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) **REVIEW OF RELEVANCE AND MERIT.**—Subsection K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following new section:

"SEC. 1461. RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

"(a) **REVIEW OF COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.**—

"(1) **PEER REVIEW OF RESEARCH GRANTS.**—The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

"(2) **MERIT REVIEW OF EXTENSION AND EDUCATION.**—The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service. The Secretary shall consult with the Advisory Board in establishing such merit review procedures.

"(b) **REQUESTS FOR PROPOSALS: REQUEST AND CONSIDERATION OF INPUT.**—When formulating a request for proposals involving an agricultural research, extension, or education activity to be funded by the Secretary on a competitive basis, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education regarding the request for proposals for the preceding year. If an agricultural research, extension, or education activity has not been the subject of a previous request for proposals, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education before publication of the first request for proposals regarding the activity.

"(c) **SCIENTIFIC PEER REVIEW OF AGRICULTURAL RESEARCH.**—

"(1) **PEER REVIEW PROCEDURES.**—The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department of Agriculture.

"(2) **REVIEW PANEL REQUIRED.**—As part of the procedures established under paragraph (1), a review panel shall verify, at least once every three years, that each research activity of the Department and research conducted under each research program of the Department have scientific merit and relevance. If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

"(A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 1402(b); and

"(B) the national or multi-State significance of the activity or research.

"(3) **COMPOSITION OF REVIEW PANEL.**—A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed. To the extent possible, the Secretary shall use scientists from colleges and universities to serve on the review panels.

"(4) **SUBMISSION OF RESULTS.**—The results of the panel reviews shall be submitted to the Advisory Board.

"(5) **APPLICABILITY OF OTHER LAWS.**—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act (7 U.S.C. 2281 et seq.) shall not apply to a review panel.

"(d) **MERIT REVIEW OF COLLEGE AND UNIVERSITY RESEARCH AND EXTENSION ACTIVITIES.**—

"(1) **LAND-GRANT INSTITUTIONS.**—Effective beginning October 1, 1998, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, a land-grant college or university shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with the process.

"(2) **1994 INSTITUTIONS.**—Effective beginning October 1, 1998, to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)) shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with the process."

(b) **REPEAL OF PROVISIONS FOR WITHHOLDING FUNDS.**—

(1) **SMITH-LEVER ACT.**—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) **HATCH ACT OF 1887.**—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) **NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.**—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1444 (7 U.S.C. 3221)—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f);

(B) in section 1445(g) (7 U.S.C. 3222(g)), by striking paragraph (3); and

(C) by striking section 1468 (7 U.S.C. 3314).

SEC. 105. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting "or other colleges and universities" after "institutions".

SEC. 106. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) **EVALUATION.**—The Secretary shall conduct a performance evaluation to determine whether agricultural research, extension, and education programs conducted or funded by the Department of Agriculture result in public benefits that have national or multi-State significance.

(b) **GUIDELINES FOR PERFORMANCE MEASUREMENT.**—The Secretary shall develop practical guidelines for measuring the performance of agricultural research, extension and education programs evaluated under subsection (a).

TITLE II—REFORM OF EXISTING RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

SEC. 201. ADOPTION OF SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) SMITH-LEVER ACT.—The Act of May 8, 1914 (commonly known as the Smith-Lever Act; 7 U.S.C. 341 et seq.), is amended by adding at the end the following new section:

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Smith-Lever Act'."

(b) HATCH ACT OF 1887.—The Act of March 2, 1887 (commonly known as the Hatch Act of 1887; 7 U.S.C. 361a et seq.), is amended by adding at the end the following new section:

"SEC. 10. SHORT TITLE.

"This Act may be cited as the 'Hatch Act of 1887'."

(c) COORDINATION WITH OTHER AMENDMENTS.—For purposes of executing amendments made by provisions of this Act (other than this section), this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 202. CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT.

(a) HATCH ACT OF 1887.—Subsection (d) of section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended to read as follows:

"(d) MATCHING FUNDS.—

"(1) REQUIREMENT.—Except as provided in paragraph (4), no allotment shall be made to a State under subsections (b) and (c), and no payments of such allotment shall be made to a State, in excess of the amount which the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of such research.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—The Secretary shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year. Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

"(4) EXCEPTION.—Paragraph (1) shall not apply to funds provided to a State from the Regional research fund, State agricultural experiment stations."

(b) SMITH-LEVER ACT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (c)2, by striking "That payments" and all that follows through "Provided further,"; and

(2) by striking subsections (e) and (f) and inserting the following new subsections:

"(e) MATCHING FUNDS.—

"(1) REQUIREMENT.—No allotment shall be made to a State under subsections (b) and (c), and no payments of such allotment shall be made to a State, in excess of the amount which the State makes available out of non-Federal funds for cooperative extension work.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement

to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—The Secretary shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year. Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

"(f) MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS.—There shall be no matching requirement for funds made available to 1994 Institutions pursuant to subsection (b)(3)."

(c) TECHNICAL CORRECTIONS.—

(1) RECOGNITION OF STATEHOOD OF ALASKA AND HAWAII.—Section 1 of the Hatch Act of 1887 (7 U.S.C. 361a) is amended by striking "Alaska, Hawaii,".

(2) ROLE OF SECRETARY OF AGRICULTURE.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(A) in subsection (b)(1), by striking "Federal Extension Service" and inserting "Secretary of Agriculture";

(B) in subsection (c)1, by striking "Federal Extension Service" and inserting "Secretary of Agriculture";

(C) in subsection (d), by striking "Federal Extension Service" and inserting "Secretary of Agriculture"; and

(D) in subsection (g)(1), by striking "through the Federal Extension Service".

(3) REFERENCES TO REGIONAL RESEARCH FUND.—The Hatch Act of 1887 is amended—

(A) in section 3 (7 U.S.C. 361c)—

(i) in subsection (b)(1), by striking "subsection 3(c)(3)" and inserting "subsection (c)3"; and

(ii) in subsection (e), by striking "subsection 3(c)3" and inserting "subsection (c)3"; and

(B) in section 5 (7 U.S.C. 361e), by striking "regional research fund authorized by subsection 3(c)(3)" and inserting "Regional research fund, State agricultural experiment stations".

SEC. 203. PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) SMITH-LEVER ACT.—Section 4 of the Smith-Lever Act (7 U.S.C. 344) is amended—

(1) by striking "SEC. 4." and inserting the following:

"SEC. 4. ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS, TIME AND MANNER OF PAYMENT, STATE REPORTING REQUIREMENTS, AND PLANS FOR WORK.

"(a) ASCERTAINMENT OF ENTITLEMENT.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(b) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which a State is entitled"; and

(3) by adding at the end the following new subsections:

"(c) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address such issues.

"(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the

development of extension programs and projects targeted to address such issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts to work with these other institutions and States.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(5) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multi-county cooperation in the dissemination of research results.

"(d) EXTENSION PROTOCOLS.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a). The Secretary shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board and land-grant colleges and universities.

"(e) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the extent practicable, the Secretary shall consider plans of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements."

(b) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g), as amended by section 104(b), is further amended—

(1) by striking "SEC. 7." and inserting the following:

"SEC. 7. DUTIES OF SECRETARY, ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS, AND PLANS FOR WORK.

"(a) DUTIES OF SECRETARY.—";

(2) by striking "On or before" and inserting the following:

"(b) ASCERTAINMENT OF ENTITLEMENT.—On or before";

(3) by striking "Whenever it shall appear" and inserting the following:

"(c) EFFECT OF FAILURE TO EXPEND FULL ALLOTMENT.—Whenever it shall appear"; and

(4) by adding at the end the following new subsections:

"(d) PLAN OF WORK REQUIRED.—Before funds may be provided to a State under this Act for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of the State and approved by the Secretary of Agriculture.

"(e) REQUIREMENTS RELATED TO PLAN OF WORK.—Each research plan of work for a State required under subsection (d) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address such issues.

"(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address such issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts (including regional efforts) to work with these other institutions and States.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(f) RESEARCH PROTOCOLS.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d). The Secretary shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board and land-grant colleges and universities.

"(g) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the extent practicable, the Secretary shall consider plans of work submitted under subsection (d) to satisfy other appropriate Federal reporting requirements."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 1998.

(2) DELAYED APPLICABILITY.—With respect to a particular State, the Secretary of Agriculture may delay the applicability of the requirements imposed by the amendments made by this section until not later than October 1, 1999, if the Secretary finds that the State will be unable to meet such requirements by October 1, 1998, despite the good faith efforts of the State.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 211. PLANS OF WORK FOR 1890 LAND-GRANT COLLEGES TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) EXTENSION AT 1890 INSTITUTIONS.—Section 1444(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)) is amended—

(1) by striking "(d)" and inserting the following:

"(d) ASCERTAINMENT OF ENTITLEMENT TO FUNDS; TIME AND MANNER OF PAYMENT; STATE REPORTING REQUIREMENTS; AND PLANS FOR WORK.—

"(1) ASCERTAINMENT OF ENTITLEMENT.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(2) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which an eligible institution is entitled"; and

(3) by adding at the end the following new paragraphs:

"(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for an eligible institution required under this section shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address such issues.

"(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address such issues.

"(C) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts (including regional research efforts) to work with these other institutions and States.

"(D) The manner in which research and extension, including research and extension ac-

tivities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multi-county cooperation in the dissemination of research results.

"(4) EXTENSION PROTOCOLS.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under this section. The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

"(5) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements."

(b) AGRICULTURAL RESEARCH AT 1890 INSTITUTIONS.—Section 1445(c) of such Act (7 U.S.C. 3222(c)) is amended—

(1) by striking "(c)" and inserting the following:

"(c) PROGRAM AND PLANS FOR WORK.—

"(1) INITIAL COMPREHENSIVE PROGRAM OF AGRICULTURAL RESEARCH.—"; and

(2) by adding at the end the following new paragraphs:

"(2) PLAN OF WORK REQUIRED.—Before funds may be provided to an eligible institution under this section for any fiscal year, plans for the work to be carried on under this section shall be submitted by the research director specified in subsection (d) and approved by the Secretary of Agriculture.

"(3) REQUIREMENTS RELATED TO PLAN OF WORK.—Each research plan of work required under paragraph (2) shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address such issues.

"(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address such issues.

"(C) Other colleges and universities in the State and other States that have unique capacity to address the identified agricultural issues in the State.

"(D) The current and emerging efforts to work with these other institutions and States to build on each other's experience and take advantage of each institution's unique capacities.

"(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(4) RESEARCH PROTOCOLS.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2). The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 1998.

(2) DELAYED APPLICABILITY.—With respect to a particular eligible institution (as described in sections 1444(a) and 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a), 3222(a))), the Secretary of Agriculture may delay the applicability of the requirements imposed by the amendments made by this section until not later than October 1, 1999, if the Secretary finds that the eligible institution will be unable to meet such requirements by October 1, 1998, despite the good faith efforts of the eligible institution.

SEC. 212. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

(a) IMPOSITION OF REQUIREMENT.—Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1448 (7 U.S.C. 3222c) the following new section:

"SEC. 1449. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT ELIGIBLE INSTITUTIONS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), including Tuskegee University.

"(2) FORMULA FUNDS.—The term 'formula funds' means the formula allocation funds distributed to eligible institutions under sections 1444 and 1445.

"(b) DETERMINATION OF NON-FEDERAL SOURCES OF FUNDS.—Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999 the sources of non-Federal funds available to the eligible institution and the amount of funds generally available from each such source.

"(c) MATCHING FORMULA.—Notwithstanding any other provision of this subtitle, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

"(1) In fiscal year 2000, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

"(2) In fiscal year 2001, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

"(3) In fiscal year 2002, and each fiscal year thereafter, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.

"(d) LIMITED WAIVER AUTHORITY.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c)(1) for fiscal year 2000 if the Secretary determines with regard to a particular eligible institution, based on the report received under subsection (b), that the eligible institution will be unlikely to satisfy the matching requirement. The waiver of the matching requirements for subsequent fiscal years is not permitted.

"(e) USE OF MATCHING FUNDS.—Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) may be used by an eligible institution for research, education, and extension activities.

"(f) REDISTRIBUTION OF FUNDS.—Federal funds that are not matched by an eligible institution in accordance with subsection (c) for a

fiscal year shall be redistributed by the Secretary to eligible institutions satisfying the matching funds requirement for that fiscal year. Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) and shall be made in a manner consistent with sections 1444 and 1445, as determined by the Secretary."

(b) CONFORMING AMENDMENT.—Section 1445(g) of such Act (7 U.S.C. 3222(g)) is amended—

(1) by striking paragraph (2); and
(2) by redesignating paragraph (4) as paragraph (2).

(c) REFERENCES TO TUSKEGEE UNIVERSITY.—Such Act is further amended—

(1) in section 1404 (7 U.S.C. 3103), by striking "Tuskegee Institute" in paragraphs (10) and (16)(B) and inserting "Tuskegee University";

(2) in section 1444 (7 U.S.C. 3221)—
(A) by striking the section heading and "SEC. 1444." and inserting the following:

"SEC. 1444. EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.," and

(B) in subsections (a) and (b), by striking "Tuskegee Institute" both places it appears and inserting "Tuskegee University"; and

(3) in section 1445 (7 U.S.C. 3222)—
(A) by striking the section heading and "SEC. 1445." and inserting the following:

"SEC. 1445. AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.," and

(B) in subsections (a) and (b)(2)(B), by striking "Tuskegee Institute" both places it appears and inserting "Tuskegee University".

SEC. 213. INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING.

(a) INCLUSION OF TEACHING.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

(1) in the section heading, by striking "RESEARCH AND EXTENSION" and inserting "RESEARCH, EXTENSION, AND TEACHING";

(2) in subsection (a)—
(A) in paragraph (1)—

(i) by striking "related research and extension" and inserting "related research, extension, and teaching"; and

(ii) in subparagraph (B), by striking "research and extension on" and inserting "research, extension, and teaching activities addressing";

(B) in paragraphs (2) and (6), by striking "education" and inserting "teaching";

(C) in paragraph (4), by striking "scientists and experts" and inserting "science and education experts";

(D) in paragraph (5), by inserting "teaching," after "development,";

(E) in paragraph (7), by striking "research and extension that is" and inserting "research, extension, and teaching programs"; and

(F) in paragraph (8), by striking "research capabilities" and inserting "research, extension, and teaching capabilities"; and

(3) in subsection (b), by striking "counterpart agencies" and inserting "counterpart research, extension, and teaching agencies".

(b) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECT.—Such section is further amended by adding at the end the following new subsection:

"(d) FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN BINATIONAL PROJECTS.—Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund."

(c) CONFORMING AMENDMENT.—The subtitle heading of subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended to read as follows:

"Subtitle I—International Research, Extension, and Teaching".

SEC. 214. TASK FORCE ON 10-YEAR STRATEGIC PLAN FOR AGRICULTURAL RESEARCH FACILITIES.

(a) TRANSFER OF EXISTING PROVISION.—Section 4 of the Research Facilities Act (7 U.S.C. 390b)—

(1) is transferred to the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.);

(2) is redesignated as section 1473B;

(3) is inserted after section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a); and

(4) is amended in subsection (f), by striking "Notwithstanding section 2(1), in" and inserting "In".

(b) CONFORMING REPEAL.—The Research Facilities Act (7 U.S.C. 390 et seq.) is repealed.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 231. AGRICULTURAL GENOME INITIATIVE.

(a) ESTABLISHMENT AND PURPOSE OF INITIATIVE.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended by striking the section heading and subsection (a) and inserting the following:

"SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

"(a) PROGRAM REQUIRED.—The Secretary of Agriculture shall conduct a research initiative for the purpose of—

"(1) supporting basic and applied research and technology development in the area of genome structure and function in support of agriculturally important species, with a particular focus on research projects that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

"(2) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

"(3) ensuring that current gaps in existing agricultural genetics knowledge are filled;

"(4) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

"(5) ensuring the future genetic improvement of agriculturally important species;

"(6) supporting the preservation of diverse germplasm; and

"(7) ensuring the preservation of biodiversity to maintain access to genes that may be of importance in the future."

(b) COMPETITIVE GRANTS.—Subsection (b) of such section is amended by striking "subsection (c)" and inserting "subsection (a)".

(c) GRANT TYPES AND PROCESS; PROHIBITION ON CONSTRUCTION.—Subsection (c) of such section is amended to read as follows:

"(c) GRANT TYPES AND PROCESS; PROHIBITION ON CONSTRUCTION.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section."

(d) MATCHING FUNDS.—Subsection (d) of such section is amended to read as follows:

"(d) MATCHING OF FUNDS.—

"(1) GENERAL REQUIREMENT.—If a grant under this section is to the particular benefit of a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the

amount of funds provided by the Secretary in the grant.

"(2) WAIVER.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement."

(e) AUTHORIZATION OF APPROPRIATIONS.—Subsection (g) of such section is amended by striking "fiscal years 1996 and 1997" and inserting "fiscal years 1998 through 2002".

Subtitle D—National Research Initiative

SEC. 241. WAIVER OF MATCHING REQUIREMENT FOR CERTAIN SMALL COLLEGES AND UNIVERSITIES.

Subsection (b)(8)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) by striking "the cost" and inserting "the cost of"; and

(2) by adding at the end the following new sentence: "The Secretary may waive all or a portion of the matching requirement under this subparagraph in the case of a smaller college or university (as described in subsection (c)(2)(C)(ii) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f)) if the equipment to be acquired costs not more than \$25,000 and has multiple uses within a single research project or is usable in more than one research project."

Subtitle E—Other Existing Laws

SEC. 251. FINDINGS, AUTHORITIES, AND COMPETITIVE RESEARCH GRANTS UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978.

(a) FINDINGS.—Section 2 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641) is amended by striking, "SEC. 2." and subsection (a) and inserting the following:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds the following:

"(1) Forests and rangelands, and the resources of forests and rangelands, are of strategic economic and ecological importance to the United States, and the Federal Government has an important and substantial role in ensuring the continued health, productivity, and sustainability of the Nation's forests and rangelands.

"(2) Over 75 percent of the productive commercial forest land in the United States is in private ownership, with some 60 percent owned by small nonindustrial private owners. These 10,000,000 nonindustrial private owners are critical to providing both commodity and noncommodity values to the citizens of the United States.

"(3) The National Forest System manages only 17 percent of the Nation's commercial timberlands, with over half of the standing softwoods inventory located on those lands. Dramatic changes in Federal agency policy during the early 1990's have significantly curtailed the management of this vast timber resource, causing abrupt shifts in the supply of timber from public to private ownership. As a result of these shifts in supply, some 60 percent of total wood production in the United States is now coming from private forest lands in the southern United States.

"(4) At the same time that pressures are building for the removal of even more land from commercial production, the Federal Government is significantly reducing its commitment to productivity-related research regarding forests and

rangelands, which is critically needed by the private sector for the sustained management of remaining available timber and forage resources for the benefit of all species.

"(5) Uncertainty over the availability of the United States timber supply, increasing regulatory burdens, and the lack of Federal Government support for research is causing domestic wood and paper producers to move outside the United States to find reliable sources of wood supplies, which in turn results in a worsening of the United States trade balance, the loss of employment and infrastructure investments, and an increased risk of infestations of exotic pests and diseases from imported wood products.

"(6) Wood and paper producers in the United States are being challenged not only by shifts in Government policy, but also by international competition from tropical countries where growth rates of trees far exceed those in the United States. Wood production per acre will need to quadruple from 1996 levels for the United States forestry sector to remain internationally competitive on an ever decreasing forest land base.

"(7) Better and more frequent forest inventorying and analysis is necessary to identify productivity-related forestry research needs and to provide forest managers with the current data necessary to make timely and effective management decisions."

(b) **HIGH PRIORITY FORESTRY RESEARCH AND EDUCATION.**—Subsection (d) of section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended to read as follows:

"(d) **HIGH PRIORITY FORESTRY AND RANGELANDS RESEARCH AND EDUCATION.**—The Secretary may conduct, support, and cooperate in forestry and rangelands research and education that is of the highest priority to the United States and to users of public and private forest lands and rangelands in the United States. Such research and education priorities include the following:

"(1) The biology of forest organisms and rangeland organisms.

"(2) Functional characteristics and cost-effective management of forest and rangeland ecosystems.

"(3) Interactions between humans and forests and rangelands.

"(4) Wood and forage as a raw material.

"(5) International trade, competition, and co-operation."

(c) **FOREST INVENTORY AND ANALYSIS.**—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following new subsection:

"(e) **FOREST INVENTORY AND ANALYSIS.**—

"(1) **PROGRAM REQUIRED.**—In compliance with existing statutory authority, the Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests and their resources in the United States.

"(2) **ANNUAL STATE INVENTORY.**—Not later than the end of each full fiscal year beginning after the date of the enactment of this subsection, the Secretary shall prepare for each State, in cooperation with the State forester for the State, an inventory of forests and their resources in the State. For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State. Upon completion of the inventory for a year, the Secretary shall make available to the public a compilation of all data collected for that year from measurements of sample plots as well as any analysis made of such samples.

"(3) **FIVE-YEAR REPORTS.**—At intervals not greater than every five full fiscal years after the date of the enactment of this subsection, the

Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

"(A) contains a description of each State inventory of forests and their resources, incorporating all sample plot measurements conducted during the five years covered by the report;

"(B) displays and analyzes on a nationwide basis the results of the annual reports required by paragraph (2); and

"(C) contains an analysis of forest health conditions and trends over the previous two decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this paragraph.

"(4) **NATIONAL STANDARDS AND DEFINITIONS.**—To ensure uniform and consistent data collection for all public and private forest ownerships and each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not under the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests and their resources under this subsection. The standards shall include a core set of variables to be measured on all sample plots under paragraph (2) and a standard set of tables to be included in the reports under paragraph (3).

"(5) **PROTECTION FOR PRIVATE PROPERTY RIGHTS.**—The Secretary shall obtain written authorization from property owners prior to collecting data from sample plots located on private property pursuant to paragraphs (2) and (3).

"(6) **STRATEGIC PLAN.**—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this subsection, including the annual updates required by paragraph (2) and the reports required by paragraph (3), that shall describe in detail—

"(A) the financial resources required to implement and carry out this subsection, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts;

"(B) the personnel necessary to implement and carry out this subsection, including any personnel in addition to personnel currently performing inventorying and analysis functions;

"(C) the organization and procedures necessary to implement and carry out this subsection, including proposed coordination with Federal land management agencies and State foresters;

"(D) the schedules for annual sample plot measurements in each State inventory required by paragraph (2) within the first five-year interval after the date of the enactment of this subsection;

"(E) the core set of variables to be measured in each sample plot under paragraph (2) and the standard set of tables to be used in each State and national report under paragraph (3); and

"(F) the process for employing, in coordination with the Department of Energy and the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this subsection, and the subsequent use of such technologies."

(d) **FORESTRY AND RANGELANDS COMPETITIVE RESEARCH GRANTS.**—Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1644) is amended—

(1) by striking the section heading and "SEC. 5." and inserting the following:

"**SEC. 5. FORESTRY AND RANGELANDS COMPETITIVE RESEARCH GRANTS.**

"(a) **COMPETITIVE GRANT AUTHORITY.**—"; and

(2) by adding at the end the following new subsections:

"(b) **EMPHASIS ON CERTAIN HIGH PRIORITY FORESTRY RESEARCH.**—The Secretary may use up to five percent of the amounts made available for research under section 3 to make competitive grants regarding forestry research in the high priority research areas identified in section 3(d).

"(c) **EMPHASIS ON CERTAIN HIGH PRIORITY RANGELANDS RESEARCH.**—The Secretary may use up to five percent of the amounts made available for research under section 3 to make competitive grants regarding rangelands research in the high priority research areas identified in section 3(d).

"(d) **PRIORITIES.**—In making grants under subsections (b) and (c), the Secretary shall give priority to research proposals in which—

"(1) the proposed research will be collaborative research organized through a center of scientific excellence;

"(2) the applicant agrees to provide matching funds (in the form of direct funding or in-kind support) in an amount equal to not less than 50 percent of the grant amount; and

"(3) the proposed research will be conducted as part of an existing private and public partnership or cooperative research effort and involves several interested research partners."

TITLE III—EXTENSION OR REPEAL OF RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Extensions

SEC. 301. NATIONAL RESEARCH INITIATIVE UNDER COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking "1997" and inserting "2002".

SEC. 302. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note) are amended by striking "2000" each place it appears and inserting "2002".

SEC. 303. EDUCATION GRANTS PROGRAMS FOR HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking "fiscal year 1997" and inserting "each of the fiscal years 1997 through 2002".

SEC. 304. GENERAL AUTHORIZATION FOR AGRICULTURAL RESEARCH PROGRAMS.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended in subsections (a) and (b) by striking "1997" each place it appears and inserting "2002".

SEC. 305. GENERAL AUTHORIZATION FOR EXTENSION EDUCATION.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "1997" and inserting "2002".

SEC. 306. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended by striking "1997" and inserting "2002".

SEC. 307. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "1997" and inserting "2002".

SEC. 308. POLICY RESEARCH CENTERS.

Section 1419A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(d)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

SEC. 309. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

SEC. 310. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174A(d)) is amended by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002".

SEC. 311. FOOD AND NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "and 1997" and inserting "through 2002".

SEC. 312. ANIMAL HEALTH AND DISEASE CONTINUING RESEARCH.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "1997" and inserting "2002".

SEC. 313. ANIMAL HEALTH AND DISEASE NATIONAL OR REGIONAL RESEARCH.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "1997" and inserting "2002".

SEC. 314. GRANT PROGRAM TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "and 1997" and inserting "through 2002".

SEC. 315. NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

- (1) in subsection (a)(1), by striking "and 1997" and inserting "through 2002"; and
- (2) in subsection (f), by striking "1997" and inserting "2002".

SEC. 316. SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "1997" and inserting "2002".

SEC. 317. AQUACULTURE RESEARCH AND EXTENSION.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "1997" and inserting "2002".

SEC. 318. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "1997" and inserting "2002".

SEC. 319. FEDERAL AGRICULTURAL RESEARCH FACILITIES.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1566) is amended by striking "1997" and inserting "2002".

SEC. 320. WATER QUALITY RESEARCH, EDUCATION, AND COORDINATION.

Section 1481(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.

5501(d)) is amended by striking "1997" and inserting "2002".

SEC. 321. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "1997" and inserting "2002".

SEC. 322. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking "1997" and inserting "2002".

SEC. 323. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

- (1) in subsection (a)(6)(B), by striking "1997" and inserting "2002"; and
- (2) in subsection (b)(2), by striking "1997" and inserting "2002".

SEC. 324. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "1997" and inserting "2002".

SEC. 325. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "1997" and inserting "2002".

Subtitle B—Repeals**SEC. 341. AQUACULTURE RESEARCH FACILITIES.**

Section 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323) is repealed.

SEC. 342. AGRICULTURAL RESEARCH PROGRAM UNDER NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981.

Subsection (b) of section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97-98; 7 U.S.C. 3222 note) is repealed.

SEC. 343. LIVESTOCK PRODUCT SAFETY AND INSPECTION PROGRAM.

Section 1670 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923) is repealed.

SEC. 344. GENERIC AUTHORIZATION OF APPROPRIATIONS.

Sections 897 and 898 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1184) are repealed.

TITLE IV—NEW RESEARCH, EXTENSION, AND EDUCATION INITIATIVES**Subtitle A—Partnerships for High-Value Agricultural Product Quality Research****SEC. 401. DEFINITIONS.**

For the purposes of this subtitle:

- (1) **ELIGIBLE PARTNERSHIP.**—The term "eligible partnership" means a partnership consisting of a land-grant college or university and other entities specified in paragraph (1) of subsection (b) of section 402 that satisfies the eligibility criteria contained in such subsection.
- (2) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

SEC. 402. ESTABLISHMENT AND CHARACTERISTICS OF PARTNERSHIPS.

(a) **ESTABLISHMENT BY GRANT.**—

- (1) **IN GENERAL.**—The Secretary may make grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.
- (2) **AWARDING OF GRANTS.**—Grants under paragraph (1) shall be awarded on a competitive basis.

(b) **CRITERIA FOR AN ELIGIBLE PARTNERSHIP.**—

- (1) **PRIMARY INSTITUTIONS IN PARTNERSHIP.**—The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.
- (2) **PRIORITIZATION OF RESEARCH ACTIVITIES.**—An eligible partnership shall prioritize research and extension activities in order to—

- (A) enhance the competitiveness of United States agricultural products;
- (B) increase exports of such products; and
- (C) substitute such products for imported products.

- (3) **COORDINATION.**—An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.
- (c) **TYPES OF RESEARCH AND EXTENSION ACTIVITIES.**—Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

- (1) environmentally responsible—
- (A) pest management alternatives and biotechnology;
- (B) sustainable farming methods; and
- (C) soil conservation and enhanced resource management;
- (2) genetic research to develop improved agricultural-based products;
- (3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;
- (4) processing and package technology to improve product quality, stability, or flavor intensity;
- (5) marketing research regarding consumer perceptions and preferences;
- (6) economic research, including industry characteristics, growth, competitive analysis; and
- (7) research to facilitate diversified, value-added enterprises in rural areas.

SEC. 403. ELEMENTS OF GRANT MAKING PROCESS.

- (a) **PERIOD OF GRANT.**—The Secretary may award a grant under this subtitle for a period not to exceed five years.
- (b) **PREFERENCES.**—In making grants under this subtitle, the Secretary shall give preference to proposals that—

- (1) demonstrate linkages with—
- (A) agencies of the Department of Agriculture;
- (B) other related Federal research laboratories and agencies;
- (C) colleges and universities; and
- (D) private industry; and
- (2) guarantee matching funds in excess of the amounts required by subsection (c).

- (c) **MATCHING FUNDS.**—An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received under this subtitle.
- (d) **LIMITATION ON USE OF GRANT FUNDS.**—Funds provided under this subtitle may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS AND RELATED PROVISIONS.

- (a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such funds as may be necessary to carry out this subtitle for each of the fiscal years 1998 through 2002.

(b) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not more than four percent of the funds appropriated to carry out this subtitle may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subtitle.

Subtitle B—Precision Agriculture

SEC. 411. DEFINITIONS.

For purposes of this subtitle:

(1) **PRECISION AGRICULTURE.**—The term "precision agriculture" means an integrated information- and production-based farming system that is designed to increase long-term, site specific and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(2) **PRECISION AGRICULTURE TECHNOLOGIES.**—The term "precision agriculture technologies" includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decision making;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking; or

(D) machines that deliver information based management practices.

(3) **ADVISORY BOARD.**—The term "Advisory Board" means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(4) **AGRICULTURAL INPUTS.**—The term "agricultural inputs" includes all farm management, agronomic, and field applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agriculture production.

(5) **ELIGIBLE ENTITY.**—The term "eligible entity" means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal or State government entity or agency;

(E) a national laboratory;

(F) a private organization or corporation;

(G) an agricultural producer or other land manager; or

(H) a precision agriculture partnership referred to in section 414.

(6) **SYSTEMS RESEARCH.**—The term "systems research" means an integrated, coordinated,

and iterative investigative process, which considers the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions with cropping, livestock production practices, and natural resource systems, precision agriculture technologies development and implementation, data and information collection and interpretation, production scale planning, production-scale implementation, and farm production efficiencies, productivity, and profitability.

SEC. 412. COMPETITIVE GRANTS TO PROMOTE PRECISION AGRICULTURE.

(a) **GRANTS AUTHORIZED.**—The Secretary of Agriculture may make competitive grants, for periods not to exceed five years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture. Such grants shall be limited to those projects that the Secretary determines are unlikely to be financed by the private sector in the absence of a grant under this section. The Secretary shall make such grants in consultation with the Advisory Board.

(b) **PURPOSE OF PROJECTS.**—Research, education, or information dissemination projects supported by a grant under subsection (a) shall address one or more of the following:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach that would increase long-term, site-specified and whole farm production efficiencies, productivity, profitability.

(2) The improvement in the understanding of agronomic systems, including, soil, water, land cover (including grazing lands), pest management systems, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the agricultural production and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential benefits of precision agriculture as it relates to increased long-term farm production efficiencies, productivity, profitability, and the maintenance of the environment, and improvements in international trade into an integrated program to educate agricultural producers and consumers, including family owned and operated farms.

(c) **GRANT PRIORITIES.**—In making grants to eligible entities under subsection (a), the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole farm production efficiencies, productivity, profitability.

(2) Integrate research, education, and information dissemination components in a practical and readily available manner so that the findings of the project will be made readily usable by farmers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, nonprofit organizations, agribusiness, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and information dissemination of precision agriculture.

(5) Maximize collaboration with multiple agencies and other partners that include leveraging of funds and resources.

(d) **MATCHING FUNDS.**—The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount which the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

SEC. 413. RESERVATION OF FUNDS FOR EDUCATION AND INFORMATION DISSEMINATION PROJECTS.

Of the funds made available for grants under section 412, the Secretary of Agriculture shall reserve a portion of such funds for grants for projects regarding precision agriculture related to education or information dissemination.

SEC. 414. PRECISION AGRICULTURE PARTNERSHIPS.

In carrying out this subtitle, the Secretary of Agriculture, in consultation with the Advisory Board, shall encourage the establishment of appropriate multi-state and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department of Agriculture, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinarians, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

SEC. 415. MISCELLANEOUS PROVISIONS.

(a) **PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES.**—The Secretary of Agriculture may not make a grant under section 412 for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(b) **APPLICATION OF OTHER LAWS.**—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this subtitle.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated to carry out this subtitle \$40,000,000 for each of the fiscal years 1998 through 2002.

(b) **ADMINISTRATIVE COSTS.**—Not more than 3 percent of the amount appropriated under this subtitle may be retained by the Secretary to pay the administrative costs incurred by the Secretary in carrying out this subtitle.

(c) **AVAILABILITY OF FUNDS.**—Funds made available under paragraph (a) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

Subtitle C—Other Initiatives

SEC. 421. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended to read as follows:

"SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

"(a) **COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.**—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make competitive grants to support research and

extension activities in the high-priority research and extension areas specified in subsection (e).

"(b) GRANT TYPES AND PROCESS; PROHIBITION ON CONSTRUCTION.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may give priority to those grant proposals found to be scientifically meritorious that involve the cooperation of multiple institutions.

"(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

"(1) BROWN CITRUS APHID AND CITRUS TRISTEZA VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

"(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

"(2) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying on or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

"(3) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

"(4) MESQUITE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

"(5) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

"(6) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests which transmit Lyme disease.

"(7) RED MEAT SAFETY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing—

"(A) intervention strategies that reduce microbial contamination on carcass surfaces;

"(B) microbiological mapping of carcass surfaces; and

"(C) model hazard analysis and critical control point plans.

"(8) GRAIN SORGHUM ERGOT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of

developing techniques for the eradication of sorghum ergot.

"(9) ANIMAL WASTE AND ODOR MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and odor control; and

"(B) conducting information workshops to disseminate the results of such research.

"(10) FIRE ANT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of fire ants.

"(11) WHEAT SCAB RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to a consortium of land-grant colleges and universities for the purpose of understanding and combating diseases of wheat and barley caused by *Fusarium graminearum* and related fungi (commonly known as wheat scab).

"(12) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

"(13) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy co-operators and other processors and marketers of milk.

"(14) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

"(15) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

"(B) transferring the results of such research for agricultural producer use.

"(16) WATER QUALITY AND AQUATIC ECOSYSTEM RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus *Pfiesteria* and other microorganisms that are a threat to human or animal health.

"(17) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes which are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

"(18) WOOD UTILIZATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underutilized tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

"(19) LOW-BUSH BLUEBERRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

"(20) FORMOSAN TERMITE ERADICATION RESEARCH AND EXTENSION.—Research and exten-

sion grants may be made under this section for the purpose of—

"(A) conducting research for the control, management, and possible eradication of Formosan termites in the United States; and

"(B) collecting data on the effectiveness of research projects conducted under this paragraph.

"(21) SWINE WASTE MANAGEMENT AND ODOR CONTROL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the microbiology of swine waste and developing improved methods to effectively manage air and water quality in animal husbandry.

"(22) WETLANDS UTILIZATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better utilizing wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

"(23) WILD PAMPAS GRASS CONTROL AND ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

"(24) PATHOGEN DETECTION AND LIMITATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying advanced detection and processing methods to limit the presence of pathogens, including hepatitis A and *E. coli* O157:H7, in domestic and imported foods.

"(25) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for co-operators and other processors and marketers of any agricultural commodity.

"(26) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

"(27) SHEEP SCRAPIE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

"(28) ANIMAL WASTE MANAGEMENT AT RURAL/URBAN INTERFACES.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

"(29) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including *Lymantria dispar* (commonly known as the Gypsy Moth), that contribute to significant agricultural, economical, or environmental harm.

"(30) DAIRY EFFICIENCY, PROFITABILITY, AND COMPETITIVENESS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving the efficiency, profitability, and competitiveness of dairy production on farms that are heavily dependent on manufacturing uses of milk.

"(31) ANIMAL FEED RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock,

while limiting risks, such as mineral bypass, associated with livestock feeding practices.

"(32) FORESTRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as forest land use policies, multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply, and improved development, manufacturing, and marketing of forest products.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1998 through 2002 such sums as may be necessary to make grants under this section in each of the high-priority research and extension areas specified in subsection (e).

"(g) USE OF TASK FORCES.—

"(1) ESTABLISHMENT.—To facilitate the making of research and extension grants under this section in a high-priority research and extension area specified in subsection (e), the Secretary may appoint a task force to make recommendations to the Secretary.

"(2) LIMITATION ON COSTS.—The Secretary may not incur costs in excess of \$1,000 in any fiscal year in connection with each task force established under this subsection.

"(3) APPLICATION OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a task force established under this subsection."

SEC. 422. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672 (7 U.S.C. 5925) the following new section:

"SEC. 1672A. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

"(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purpose of—

"(1) facilitating the development of organic agriculture production and processing methods;

"(2) evaluating the potential economic benefits to producers and processors who use organic methods; and

"(3) exploring international trade opportunities for organically grown and processed agricultural commodities.

"(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and

grant recipient would be unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may give priority to those grant proposals found to be scientifically meritorious that involved the cooperation of multiple institutions.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1998 through 2002 such sums as may be necessary to make grants under this section."

SEC. 423. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following new section:

"SEC. 1459. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

"(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary may provide for an agricultural research and development program with the United States/Mexico Foundation for Science, which will focus on binational problems facing agricultural producers and consumers in the two countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

"(b) ADMINISTRATION.—Grants under the research and development program shall be awarded competitively through the Foundation.

"(c) MATCHING REQUIREMENTS.—The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least an equal ratio, any funds provided by the United States Government.

"(d) LIMITATION ON USE OF FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility."

SEC. 424. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by inserting after section 1459, as added by section 423, the following new section:

"SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

"(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

"(b) PURPOSE OF GRANTS.—Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

"(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

"(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

"(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

"(4) enhance the capabilities of colleges and universities to provide cooperative extension

education to promote the application of new technology developed in foreign countries to United States agriculture; and

"(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section."

SEC. 425. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the "FARAD program") through appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary of Agriculture shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) GRANTS.—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make grants to colleges and universities to operate the FARAD program. The term of a grant shall be three years, with options to extend the term of the grant triennially.

SEC. 426. DEVELOPMENT AND COMMERCIALIZATION OF NEW BIOBASED PRODUCTS.

(a) BIOBASED PRODUCT DEFINED.—For purposes of this section, the term "biobased product" means a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—The Secretary of Agriculture may enter into cooperative agreements with private entities described in subsection (c), under which

the facilities and technical expertise of the Agricultural Research Service may be made available to operate pilot plants and other large-scale preparative facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application. Cooperative activities may include research on potential environmental impacts of a biobased product, methods to reduce the cost of manufacturing a biobased product, and other appropriate research.

(c) **ELIGIBLE PARTNERS.**—The following entities shall be eligible to enter into a cooperative agreement under this section:

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902).

(3) A recipient of funding from the Biotechnology Research and Development Corporation.

(4) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(d) **SOURCE OF FUNDS.**—To carry out this section, the Secretary may use—

(1) funds appropriated to carry out this section; and

(2) funds available for cooperative research and development agreements (as described in subsection (b)).

(e) **SALE OF DEVELOPED PRODUCTS.**—The Secretary shall authorize the private partner or partners in a cooperative agreement consistent with this section to sell new biobased products produced at a pilot plant under the agreement for the purpose of determining the market potential for the products.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 427. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

(a) **INITIATIVE REQUIRED.**—The Secretary of Agriculture shall provide for a research initiative (to be known as the "Thomas Jefferson Initiative for Crop Diversification") for the purpose of conducting research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States. The initiative shall include research and education efforts regarding new and nontraditional crops designed—

(1) to identify and overcome agronomic barriers to profitable production;

(2) to identify and overcome other production and marketing barriers; and

(3) to develop processing and utilization technologies for new and nontraditional crops.

(b) **PURPOSES.**—The initiative is established—

(1) to develop a focused program of research and development at the regional and national level to overcome barriers to development of new crop opportunities for farmers and related value-added enterprise development in rural communities; and

(2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

(c) **ESTABLISHMENT OF INITIATIVE.**—The Secretary shall coordinate the initiative through a nonprofit center or institute that will coordinate

research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

(d) **REGIONAL EMPHASIS.**—The Secretary shall support development of multi-State regional efforts in crop diversification. Of funding made available to carry out the initiative, 50 percent shall be used for regional efforts centered at land-grant colleges and universities in order to facilitate site-specific crop development efforts.

(e) **ELIGIBLE GRANTEE.**—The Secretary may award funds under this section to colleges or universities, nonprofit organizations, or public agencies.

(f) **ADMINISTRATION.**—

(1) **GRANTS AND CONTRACTS.**—Grants awarded through the initiative shall be selected on a competitive basis. The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

(2) **TERMS.**—The term of a grant awarded through the initiative may not exceed five years.

(3) **MATCHING FUNDS.**—The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources at least equal to the amount provided by the Federal Government.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 428. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) **PURPOSE.**—It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multi-functional research, education, and extension activities.

(b) **COMPETITIVE GRANTS AUTHORIZED.**—Subject to the appropriation of funds to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(4))) on a competitive basis for integrated research, education, and extension projects in accordance with the provisions of this section.

(c) **CRITERIA FOR GRANTS.**—Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, which involve integrated research, education, and extension activities.

(d) **MATCHING OF FUNDS.**—

(1) **GENERAL REQUIREMENT.**—If a grant under this section is to the particular benefit of a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) **WAIVER.**—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.

SEC. 429. RESEARCH GRANTS UNDER EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

The Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note) is amended by adding at the end the following new section—

"SEC. 536. RESEARCH GRANTS.

"(a) **RESEARCH GRANTS AUTHORIZED.**—The Secretary of Agriculture may make grants under this section on the basis of a competitive application process (and in accordance with such regulations that the Secretary may promulgate) to a 1994 Institution to assist the 1995 Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multi-state significance.

"(b) **REQUIREMENTS.**—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least one other land-grant college or university (exclusive of another 1994 Institution).

"(c) **AUTHORIZATION OF APPROPRIATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 1998 through 2002. Amounts appropriated shall remain available until expended."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ROLE OF SECRETARY OF AGRICULTURE REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH, EDUCATION, AND EXTENSION.

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

SEC. 502. OFFICE OF PEST MANAGEMENT POLICY.

(a) **OBJECTIVE.**—The establishment of an Office of Pest Management Policy pursuant to this section is intended to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) **ESTABLISHMENT OF OFFICE; PRINCIPAL RESPONSIBILITIES.**—The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Pest Management Policy, which shall be responsible for—

(1) the development and coordination of Department of Agriculture policy on pest management and pesticides;

(2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting the Department in fulfilling its responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104-170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or other law; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) **INTERAGENCY COORDINATION.**—In support of its responsibilities under subsection (a), the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) **OUTREACH.**—The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the

Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) **DIRECTOR.**—The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary who shall report directly to the Secretary or a designee of the Secretary.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 503. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) **FOOD SAFETY RESEARCH INFORMATION OFFICE.**—

(1) **ESTABLISHMENT AND PURPOSE.**—The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library. The Office shall provide to the research community and the general public information on publicly funded, and to the extent possible, privately funded food safety research initiatives for the purpose of—

(A) preventing unintended duplication of food safety research; and

(B) assisting the executive and legislative branches of the Government and private research entities to assess food safety research needs and priorities.

(2) **COOPERATION.**—The Office shall carry out paragraph (1) in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and on a voluntary basis, private research interests.

(b) **NATIONAL CONFERENCE.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall sponsor a conference to be known as the "National Conference on Food Safety Research", for the purpose of beginning the task of food safety research prioritization. The Secretary shall sponsor annual workshops in each of the subsequent four years after the conference so that priorities can be updated or adjusted to reflect changing food safety concerns.

(c) **FOOD SAFETY REPORT.**—With regard to the study and report to be prepared by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, the study shall include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health.

SEC. 504. NUTRIENT COMPOSITION DATA.

(a) **IN GENERAL.**—The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 505. AVAILABILITY OF FUNDS RECEIVED OR COLLECTED ON BEHALF OF NATIONAL ARBORETUM.

Section 6(b) of the Act of March 4, 1927 (20 U.S.C. 196(b)), is amended by striking "Treasury" and inserting "Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation."

SEC. 506. RETENTION AND USE OF AGRICULTURAL RESEARCH SERVICE PATENT CULTURE COLLECTION FEES.

All funds collected by the Agricultural Research Service of the Department of Agriculture in connection with the acceptance of microorga-

nisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection. The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaty) with respect to the Patent Culture Collection.

SEC. 507. REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Using funds available to the Agricultural Marketing Service, the Service may reimburse the American Sheep Industry Association for expenses incurred by American Sheep Industry Association between February 6, 1996, and May 17, 1996, in preparation for the implementation of a sheep and wool promotion, research, education, and information order under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

SEC. 508. DESIGNATION OF KIKI DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS.

(a) **DESIGNATION.**—The Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, and known as the Subtropical Agricultural Research Center, shall be known and designated as the "Kiki de la Garza Subtropical Agricultural Research Center".

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal facilities referred to in subsection (a) shall be deemed to be a reference to the "Kiki de la Garza Subtropical Agricultural Research Center".

SEC. 509. SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON IN FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES.

It is the sense of Congress that, of the Agricultural Research Service funds made available for a fiscal year for research regarding the development for agricultural use of alternatives to methyl bromide, the Secretary of Agriculture should use a substantial portion of such funds for research to be conducted in real field conditions, in particular pre-planting and post-harvest conditions, so as to expedite the development and commercial use of methyl bromide alternatives.

SEC. 510. SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION.

It is the sense of Congress that the Secretary of Agriculture and the Secretary of Education should collaborate and cooperate in providing both instructional and technical support for school-based agricultural education.

SEC. 511. SENSE OF CONGRESS REGARDING DESIGNATION OF DEPARTMENT CRISIS MANAGEMENT TEAM.

(a) **FINDINGS.**—Congress finds the following:

(1) The Department of Agriculture plays a crucial role in ensuring that the United States is a world leader in maintaining the most affordable, abundant, wholesome, and safe food supply for its citizens.

(2) It is in the best interest of consumers, producers, processors, retailers, government officials, and other interested parties to ensure that any crisis that may affect the operation of the Department or the production of a safe and wholesome food supply is addressed in an effective manner.

(3) Unforeseen circumstances, including natural disaster, personnel management problems, threats to public health, and trade disruptions,

have the potential to undermine the operation of the Department and the Nation's ability to efficiently provide a safe, affordable, abundant, and wholesome food supply.

(4) Department of Agriculture employees, consumer confidence, and the food production sector have been adversely impacted as a result of the challenges associated with Federal agencies' ability to respond to incidents in a coordinated and timely fashion.

(5) An effective response to crises, emergencies, and similar situations depends upon the timely and efficient coordination of Federal, State, and local government agencies.

(6) It is in the best interests of the Nation to ensure that whenever a crisis occurs the appropriate Federal agencies coordinate their activities.

(7) The Department of Agriculture should take the lead in ensuring a safe and wholesome supply of food for the Nation because of its broad and diverse relationship with consumers and the food production sector.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Agriculture should—

(1) designate a Crisis Management Team within the Department of Agriculture, which would be composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department and would be headed by a team leader with strong management and communications skills;

(2) upon establishment of such a Crisis Management Team, direct that the Crisis Management Team—

(A) develop a department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations;

(B) develop detailed written procedures for implementing the crisis management plan;

(C) conduct periodic reviews and revisions of the crisis management plan and procedures;

(D) ensure compliance with crisis management procedures by departmental personnel;

(E) coordinate the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team;

(F) ensure that all employees of the Department are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of team members;

(G) ensure that departmental spokespersons convey accurate, timely, and scientifically sound information that is easily understood by the target audience; and

(H) cooperate and coordinate with other Federal agencies, States, local governments, industry, and public interest groups; and

(3) seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis.

Mr. MCCAIN. Mr. President, Senator HOLLINGS and I would like to engage the chairman of the Senate Agriculture Committee, Senator LUGAR, as well as the ranking member of that Committee, Senator HARKIN, in a colloquy on certain provisions of S. 1150, the Agriculture Research, Extension, and Education Reform Act of 1997.

Mr. LUGAR. I would be pleased to join the Senators in a colloquy on this subject.

Mr. HARKIN. I would be happy to participate in the colloquy as well.

Mr. MCCAIN. The Commerce Committee has expressed serious concerns about sections of the Senate version of S. 1150 which deal with aquaculture and weather activities. These provisions make changes to existing law relating to marine and estuarine aquaculture as well as federal weather activities, subjects that are within the jurisdiction of the Commerce Committee. The Commerce Committee believes that these changes are significant and need to be thoroughly reviewed in the Commerce Committee before they are enacted. We have therefore requested that the Senate Agriculture Committee conferees agree to drop these provisions during the conference on S. 1150. I would now like to defer to the Commerce Committee's ranking Democrat, Senator HOLLINGS, for his comments on this matter.

Mr. HOLLINGS. I concur with the chairman of the Commerce Committee. The provisions on aquaculture and weather activities in the Senate-passed version of S. 1150 substantially affect important issues within the Commerce Committee's jurisdiction and we need to examine and formally consider the provisions in our committee before we can agree to their enactment.

Mr. MCCAIN. Mr. President, our two committees have discussed this matter and I understand that based on the concern expressed by the Commerce Committee Senator LUGAR and Senator HARKIN have agreed to drop the provisions of concern to our Committee during conference, and to substitute in place of these provisions straight reauthorizations of the National Aquaculture Act of 1980 and the National Agricultural Weather Information System Act of 1990. I understand further that these substitute provisions will simply extend the authorization of appropriations at current levels through fiscal year 2002 for each of the acts, but will otherwise not change existing law. Is my understanding of the agreement correct?

Mr. LUGAR. Senator MCCAIN is correct in his understanding of the agreement reached by our two Committees. While the Agriculture Committee has an interest in both agricultural weather research and freshwater aquaculture, Senator HARKIN and I acknowledge the Commerce Committee's concerns and will accommodate them. We will propose during the conference that section 230 and section 211 of the Senate-passed version of S. 1150 be stricken, and that language be inserted in lieu of these sections which only extends the authorization of appropriations for the two statutes through fiscal year 2002, without other changes to the existing laws.

Mr. HARKIN. I concur with the foregoing description of our understanding as well. As Senator LUGAR described, we will propose to drop the existing Senate provisions on aquaculture and

weather activities, and to substitute in their place straight reauthorizations of the two acts that Senator MCCAIN mentioned.

Mr. MCCAIN. I thank the Senator very much for their cooperation on this matter.

Mr. HOLLINGS. I also extend my thanks to Senator LUGAR and Senator HARKIN for addressing our concerns.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. LUGAR, Mr. COCHRAN, Mr. COVERDELL, Mr. HARKIN, and Mr. LEAHY conferees on the part of the Senate.

Mr. ASHCROFT. Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Rhode Island.

Mr. CHAFEE. Mr. President, I am delighted that the Senator from Missouri is here. It is my understanding that he has an amendment he is prepared to present. I would just use this opportunity, before we start on the Senator's amendment, to urge all Senators to come with amendments.

We are ready to do business here. There are a host of amendments. As we know, under the ground rules, we are not taking up amendments that deal with financial matters, but there are a whole host of other amendments that do not deal with those particular subjects. We would certainly like to dispose of them. So I do urge all Senators who have amendments to come to the floor and bring them up.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my good friend from Rhode Island. Let me begin by saying it is high time. I am anxious for this bill to move forward. I

am very pleased to be here today with my colleagues to talk about this very important highway and transportation legislation and to offer an amendment which I believe has been cleared on both sides.

Mr. President, this past October, November, I had the pleasure of working with our distinguished committee chairman, Senator CHAFEE, and the subcommittee chairman, and my good friend, Senator WARNER, and the ranking member, Senator BAUCUS, to forge an interim solution that produced a short-term extension for this vital highway and transportation legislation that provided necessary resources to make certain that the orange cones and barrels that signal highway construction underway would continue to drive drivers nuts and show them that progress is being made.

But as already has been pointed out on the floor numerous times over the last couple weeks, we only passed an extension, one that does expire. Let me tell my colleagues that getting agreement in passing the extension was not easy. However, it did give us an idea of the complexity of what we have ahead of us.

We all know the importance and the role that transportation plays in our everyday lives and especially in our economy. We absolutely must improve upon the existing infrastructure—that is, the roads, the bridges, the transportation systems—and determine better ways to meet our transportation needs. That is why I worked with the distinguished chair and ranking member and the subcommittee leaders to produce the bill that is now pending.

I am very pleased to support and urge the adoption of that measure. As Senator CHAFEE said yesterday, this bill was reported unanimously out of committee—I repeat, unanimously out of committee. This happened because the bill, called ISTE II, builds our new policy solidly on our commitment to the concrete and asphalt reality that roads and bridges are and will continue to be the foundation of our transportation system.

Mr. President, for me and for the people of my State of Missouri, highways are not an academic debate. They are a matter of life and death. All of us have heard the statistics about how our inadequate highways contribute to 114 deaths on our Nation's highways each day. Missouri's highway fatality rate is above the national average. I am reminded of these tragedies every time I go home. Every time I travel to a new part of the State, they have lost someone or several people on the highways.

Missouri has roads designated as part of the National Highway System that have no shoulders. We have two-lane roads carrying traffic meant for four lanes. These are real death traps, because somebody who is not familiar with the road, too often an out-of-

State visitor to our State, makes a mistake and crosses over the center line with tragic consequences to them and to some other innocent party as well. And our bridge needs are perhaps greater than any other State.

I drove last Friday over the bridge at Hermann, MO. It is an eerie feeling driving over a highway bridge and looking down at the river below and seeing it through the bridge that you are driving over. Mr. President, that is not fun. That gets your attention. The people know that these bridges are not going to last forever.

Missouri has too many highways marked with white crosses along the side where people have died. The white crosses are in memory of the loved ones who will never return because of our inadequate highways.

Reauthorization of this measure, this highway transportation measure, is imperative. We must move forward. I know that maintaining our Nation's roads and bridges is not always a glamorous issue or undertaking. Too often we hear discussions about priority items that take our attention away. But as with the debate raging in education circles about improving our Nation's crumbling schools, so goes the equally important debate about improving our transportation infrastructure, our roads and highways and bridges. Here it is lives we are talking about.

Mr. President, reasonable people do have passionate differences. We see that every day on the Senate floor. All of us who were here in 1991 can recall that debate can get ugly over those differences, especially when money is involved. Overall funding has proven to be one of the difficult issues already, and the floor debates have not even started on formulas yet.

We all know there are tremendous challenges in meeting our aim of balancing the budget and our commitment to the American people to do so. I am ever mindful of and support achieving this goal. However, I do know the importance of the transportation infrastructure, the roads and highways and bridges and transportation needs of this country and the desire to provide for increased funding to meet those needs.

As a member of the Budget Committee, the Appropriations Committee and the Environment and Public Works Committee, I am committed and pledge my support in working to find a solution that will provide the increased funding necessary for transportation while maintaining our commitment to a balanced budget.

I expressed my appreciation to the majority leader, Senator LOTT, and to our Budget Committee chairman, Senator DOMENICI, who are working together and working with us to provide the resources we need to put the "trust" back in the highway trust fund.

I do support the highway money going for highways and transportation needs. My goal has always been to increase the size of the overall pie for highways and transportation and, as well, to increase Missouri's share. I will do everything possible to ensure that the State of Missouri gets a full, fair share back.

Maybe S. 404, which is known as the Bond-Chafee Highway Trust Fund Integrity Act, introduced with the distinguished chairman a year ago, is part of the overall funding solution. It does not take the highway trust fund off budget, but it does ensure that the "trust" is put back in the trust fund. That is a goal that I believe we all share.

I hope that negotiations on the overall funding level continue. If we can get a \$28 billion highway program, let us do it. Let us work to achieve the allocation and the commitment of the highway trust fund moneys going back to highway trust fund purposes.

Mr. President, unfortunately, when we talk about Federal money and formulas, there are always clear-cut winners and losers. I know Missouri has been on both sides, too often on the losing side. But none of this goes away if we wait. I thank the majority leader and I thank the chairman and the ranking member for bringing this up.

Now, Mr. President, unless the chairman has other matters, I wish to introduce an amendment that I believe has been cleared on both sides.

AMENDMENT NO. 1677 TO AMENDMENT NO. 1676

(Purpose: To require that, in funding natural habitat and wetland mitigation efforts related to Federal-aid highway projects, a preference be given, to the maximum extent practicable, to the use of certain mitigation banks)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself, Senator BREAUX, and Senator LOTT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LOTT and Mr. BREAUX, proposes an amendment numbered 1677.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

esses. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is ap-

proved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems."

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting "including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: "and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting "publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: "and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

Mr. BOND. Mr. President, this amendment on wetlands mitigation banking has been cleared by both sides, and has been reviewed by EPA and the Corps who have no objection. It is, I believe, consistent with administration

policy. It is supported by the Association of State Highway and Transportation Officials and the National Wetlands Coalition. I believe this amendment is good for wetlands protection. It promotes private sector efforts to protect wetlands, and it saves money that can be used on highways or other authorized uses under this act. This is a win-win-win amendment.

Now, let me tell you what the amendment does. It simply provides, when highway projects result in impact to wetlands that require compensatory mitigation—a big word saying: If you take away a wetland here, you have to restore a wetland there so we do not have any loss of wetlands. That is required under current law. Here in this amendment we say that preference can be given, to the extent practical, to private sector mitigation banks.

The amendment mandates that the banks be approved in accordance with the administration's Federal guidance on mitigation banking issued in 1993. It requires that the bank be within the service area of the impacted wetlands.

Mitigation is usually accomplished by restoring or creating other wetlands. Isolated, on-site mitigation projects are expensive and often costly to maintain. Wetlands mitigation banks, on the other hand, are typically large tracts of land that have been restored as wetlands. A State department of transportation building a highway project which impacts wetlands near a bank buys "credits" generated from the bank based on the acreage quality of restored wetlands in order to satisfy its obligation to mitigate the harm to impacted wetlands.

The bank sponsor assumes full responsibility for maintaining the restored wetland site, and the State Transportation Department has fulfilled its mitigation requirement and can get on with the work on much-needed projects.

The amendment does nothing to change the mitigation requirement. It simply provides that mitigation banking will be the preferred alternative, where available, once mitigation requirements are found to exist.

In 1996, the Committee on Environment and Public Works held a hearing where witnesses from the administration, the private sector, the environmental community, and the scientific community spoke to the promise of mitigation banking as being an important instrument to protect wetlands and to do so with less expense and less red tape.

Robert Perciasepe, Assistant Administrator in the Office of Water at EPA, testified to "EPA's strong support for mitigation banking."

In his testimony, he said, "It's a unique win-win proposition. It's great for landowners because it makes the permitting process simpler and easier. * * * It's great for the environment be-

cause the consolidation of multiple mitigation projects into a single, large mitigation bank leads to greater environmental benefit in terms of the enhancement of wildlife habitat and the improvement of local water quality and flood control."

I will add that as a matter of policy, we have a great opportunity with mitigation banking to protect wetlands by making wetlands protection a profitable private enterprise.

This effort is supported by the Missouri and Ohio Departments of Transportation and by AASHTO. Let me quote for you a September 1997 letter from the Director of the Ohio Department of Transportation:

ODOT's costs for onsite mitigation have ranged as high as \$150,000 per acre, when cost of design, real estate, construction and mitigation monitoring are combined. These costs are not out of line with the high-end costs experienced by many other DOTs around the country. Our lowest costs for onsite mitigation have generally exceeded \$35,000 per acre. The cost of banking, in our experience, has ranged from around \$10,000 to \$12,000 per acre and includes all of the above cited cost factors. This equates to about one-quarter the cost of our average onsite mitigation.

The States of Florida and Illinois, in the Chicago area, have already had a similar experience.

This savings is significant and it can be achieved because of specialization and economies of scale. As a result, less Federal highway money is spent on mitigating impacts to wetlands, and more Federal highway money is made available for highway construction.

Many agree that mitigation banks, approved in accordance with Administration guidance, will have a greater long term rate of success in protecting wetlands because: (1) they are in the business of wetlands protection and have the expertise; (2) banks are easier to regulate and be held accountable; and (3) because there is more time and flexibility for a bank to identify and procure high quality wetlands.

I appreciate the assistance of the chairman, Senator CHAFEE, and Senator BAUCUS with this amendment.

Again, this is good for the environment and the efficiencies will permit more of our precious highway dollars to be spent on highways. I urge the adoption of this bipartisan amendment.

I yield the floor.

Mr. LOTT. Mr. President, I wish to express my support for an amendment to the Federal highway bill that is simple and straightforward.

The amendment improves the environment and it saves Federal highway dollars—two worthy goals.

The amendment establishes a preference for the use of wetlands mitigation banks to offset impacts to wetlands caused by the construction of highways funded under the Federal highway program.

The amendment is not a mandate. It provides only that mitigation banking

is the preferred alternative for mitigating wetlands impacts where there is a bank in the area of the highway project.

The amendment is an incentive-based strategy for environmental protection that enjoys bipartisan support. Members of Congress on both sides of the aisle know that this is the only real way to achieve compliance.

The amendment is sponsored by my friends and colleagues Senators CHRISTOPHER "KIT" BOND and JOHN BREAUX.

Mitigation banking refers to a large wetlands restoration effort where a "bank" of wetlands, usually 100 acres or more, is undertaken to compensate in advance for future wetlands losses from nearby development. The best sites for restoration of wetlands are often lands that used to be wetlands but were drained in order to plant crops. Mitigation bankers take a number of steps, such as breaking up drainage tiles, in order to reintroduce water to the site. Sometimes mitigation bankers replant native species, but often existing seed banks revegetate the land naturally once the water has been restored. Before long, a large, fully functioning wetlands ecosystem has been reestablished. Under Federal guidelines, "credits" are generated based on the acreage and quality of the restored wetlands. The credits may then be sold to those who must restore wetlands to make up for those they have been allowed to disturb in order to build their school, office park, or other nearby project.

In the context of highway construction, mitigation banking works as follows: a state department of transportation building a highway project that affects wetlands near a mitigation bank may buy credits from the mitigation bank. The state DOT fulfills its mitigation requirement by purchasing sufficient credits from the bank to offset the loss of wetlands from the project, and the bank sponsor assumes full responsibility for maintaining the restored wetlands site.

Of course, the current Federal highway program already allows Federal funds to be used to mitigate adverse effects on wetlands caused by highway construction. But small, isolated, on-site mitigation projects are expensive and costly to maintain given the many small wetlands affected by a typical new highway project. In contrast, mitigation banks consolidate small, isolated wetlands mitigation efforts into large, high quality, diverse wetlands habitat. As a result, mitigation banks provide greater environmental benefits than piecemeal mitigation.

The Bond-Breaux amendment provides simply that mitigation banking will be the preferred alternative for wetlands mitigation efforts paid for with Federal highway money where there is a bank in the area of a highway project. Banks must be approved

under the Federal guidance on mitigation banking.

In addition to benefiting the environment, use of mitigation banks will save Federal highway dollars that can be made available for more highway construction. Experience has clearly demonstrated that private mitigation bankers can restore high quality wetlands at significantly less cost than state departments of transportation, as my colleague from Missouri has pointed out.

This amendment is supported by the Corps of Engineers, EPA, the American Association of State Highway Transportation Officials, and numerous state departments of transportation. Even my own State of Mississippi believes this is a smart environmental idea and a smart highway idea.

It doesn't surprise me that this amendment is sponsored by the Senator from Missouri, Mr. BOND, Senator BOND's creative mind has produced an innovative answer to this thorny environmental policy. All Americans know the value of wetlands and recognize the contributions of an effective transportation infrastructure. Mr. BOND has found a way to balance the problems and provide a smart solution.

Mr. BOND has provided a win-win solution. His amendment encourages the investment of private sector resources and technology in wetlands restoration. It establishes a policy that rewards doing the right thing for the environment. I congratulate the Senator for his foresight, good judgment, and leadership.

I am also not surprised to see the Senator from Louisiana, Mr. BREAUX, joining Senator BOND in sponsoring this amendment. The citizens of Louisiana know what wetlands are because most of their state is classified as one. They know this type of public policy is a smart way to do highway business. I also commend my friend from Louisiana for his leadership on this amendment.

Mr. President, in closing, this is an excellent amendment that will save Federal highway dollars, benefit the environment, and allow Federal highway projects to go forward more quickly and with more certainty. It has my strong support, and deserves that of my colleagues.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend the Senator from Missouri for this amendment. It is an excellent one. What it will do is have a wetland of a larger size than would be under normal conditions. When they do damage to a wetland, they create a new wetland next to the highway. To have it in the so-called mitigation bank is a far superior way of operating, and I commend the Senator.

The amendment will improve the mitigation that is done to offset the loss and degradation of wetlands as a result of highway projects. We have suffered unacceptable wetlands losses—more than half of the estimated 220 million acres that existed when the nation was founded have been lost.

Transportation has unintended but negative consequences on the nation's wetlands. The original ISTEA recognized this by establishing wetlands mitigation as an eligible expense of a State's highway construction funds. Mitigation banking is an innovative concept that allows a person who wishes to fill a wetlands to compensate for that loss by obtaining credits representing positive wetlands function generated at a nearby site. It is the perfect example of a forward-looking environmental policy that offers more bang for the buck.

With respect to highway construction, mitigation banking offers several potential advantages over on-site, individual mitigation. A mitigation bank, unlike on-site mitigation, can consolidate wetlands compensation where it is most ecologically beneficial. Moreover, mitigation banking helps to achieve the goal of "no net loss" of the Nation's wetlands by providing additional opportunities to compensate for impacted wetlands. So I thank Senators BOND and BREAUX again for their work on this.

We are prepared to accept the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we all want to protect wetlands, and we know when highways are constructed that wetlands are often in jeopardy. It is in the law that when a highway is constructed which does jeopardize a wetland, an offset must be provided for; that is, the developer or the contractor has to find some other way to enhance or improve the wetland.

This is another step in that direction. It is a step toward greater efficiency, namely, where someone may enhance, develop a wetland, get credit for it, and the contractor comes along and goes to the bank which already has the credit for the wetland. It is a much more efficient process for getting the job done. I compliment the Senator from Missouri for coming up with this idea. We accept the amendment.

Mr. CHAFEE. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1677) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BREAUX. Mr. President, I thank the Senate for accepting the Bond-Breaux amendment to S. 1173. It has been my privilege to cosponsor the proposal with the Senator from Missouri, Senator BOND, and to continue our work together on wetlands-related issues.

I express my deepest appreciation to the Majority Leader, Senator LOTT, and to the Committee Chairman and Ranking Member, Senator CHAFEE and Senator BAUCUS, for their support. I also look forward to working with them on this issue as the intermodal surface transportation bill advances through Congress.

The Bond-Breaux amendment proposes to establish a reasonable, responsible wetlands and natural habitat mitigation policy as part of the federal aid highway program.

Our language says that mitigation banking shall be the preferred means, to the maximum extent practicable, to mitigate for wetlands or natural habitat which are affected as part of a federal-aid highway project and whose mitigation is paid for with federal funds.

The amendment establishes three criteria which are to be met in order to use a mitigation bank: first, the affected wetlands or natural habitat are to be in a bank's service area; second, the bank has to have enough credits available to offset the impact; and third, the bank has to meet federally-approved standards.

The Bond-Breaux amendment does not mandate the use of mitigation banks nor does it say they shall be the sole means or the only method used to mitigate for wetlands or natural habitat affected by a federal-aid highway project.

Mitigation banks can offer advantages when built and operated responsibly, including achieving economies of scale and providing larger, higher-quality diverse habitat.

Again, I'm pleased to join with Senator BOND in sponsoring the amendment, pleased that it has been accepted as part of S. 1173, and appreciative of the support extended for it by Senator LOTT, Senator CHAFEE and Senator BAUCUS.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, again, I thank the Senator from Missouri. I see no other individual prepared to offer an amendment. I urge Senators to come to the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask that I be allowed to speak out of order for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IRAQI CRISIS

Mr. GRAMS. Mr. President, I rise today to express my hope that the agreement reached by Secretary Annan in Iraq results in the end of a conflict that has plagued the international community over the past seven years—the failure of Saddam Hussein to live up to the terms that he agreed to following the invasion of Kuwait and his defeat in the Gulf War.

If Saddam has truly experienced a change of heart and has decided to abandon the production and concealment of weapons of mass destruction, this agreement is a milestone; if this is just one more ploy to evade the destruction of his arsenal, then we remain on course for a showdown with Iraq.

We all know Saddam Hussein's record. He invaded the sovereign nation of Kuwait. He used chemical weapons against Iran and against his own people. He used women and children as human shields to protect himself and his weapons of mass destruction. He is both a coward and a menace—and that is a dangerous combination.

At this time it is impossible to judge whether this deal will truly permit the UN weapons inspectors full and unfettered access. UNSCOM inspectors have always insisted that they need to be able to follow a trail wherever it leads them. They are not seeking access to a certain category of sites—they just need freedom to track the evidence. If this agreement permits them to do this and allows them to use whatever techniques are necessary, then the agreement is a step forward. The inspectors do not seal off buildings because they are "cowboys," they do it because the Iraqis were moving equipment out the back door as they entered the front.

It would have been prudent for the Administration to have studied the plan, and clarified the details before it offered its support. But, as is the case with the lack of information to the Senate on the Administration's plan to bomb Iraq, prudence was apparently too much to expect.

While I am reserving judgment on the Secretary General's agreement until the terms have been thoroughly explained, one positive immediate effect is that it has created a pause in the crisis. The Congress has a responsibility to the American people, and especially the men and women serving in our armed forces, to ensure that the Administration has clear objectives and a coherent policy in regard to Iraq. The use of air strikes against Iraq may have been averted in this instance, but given Saddam's track record of lies and

deceit, I do not believe that this is the last time that we will be forced as a nation to confront him.

We all witnessed the Administration's public relations offensive with Cabinet officials holding town hall meetings around the country to build public support for limited air strikes. Through these forums it has become painfully clear that the Administration refuses—or perhaps more disturbingly—cannot consistently answer four basic questions: (1) What are the Administration's goals; (2) how will limited air strikes achieve those objectives; (3) what happens after the bombing stops; and (4) what is our endgame?

First the Administration told us that the goal of the United States was to allow UNSCOM inspectors full and unfettered access to suspected storage sites for chemical and biological weapons. Then we were told that it was to make sure that Saddam would not be able to "reconstitute" his nuclear, chemical and biological weapons production capabilities. But the Administration has failed to explain to the American people how air strikes will achieve these objectives.

After a round of briefings in the Senate with Administration officials, the only thing that is clear is what US air strikes are not going to accomplish: they will not eliminate Iraq's stockpiles of chemical and biological weapons; they will not eliminate Iraq's capability to produce weapons of mass destruction; and they will not remove Iraq's rulers, who persist on a course of action which threatens international security and the welfare of their own people.

The Administration's plan for "substantial" air strikes—which I suppose falls somewhere between "pinprick" and "massive" attacks—may delay Saddam's capability to deliver weapons of mass destruction. Of course, many of the buildings where biological weapons are produced and stored are dual-use facilities—like hospitals and vaccine laboratories. There is also a danger that uncontrolled explosions of storage facilities could result in the release of toxic substances. So it is not a question of whether we are able to destroy these targets, but whether the resulting deaths of Iraqi civilians would prove counterproductive to our goals.

In addition, Saddam has been playing a shell-game with chemical and biological weapons stockpiles. As General Zinni, commander-in-chief of the US central command acknowledged in December, "we do not have a good sense of what he has and where he has it"; and we do not know the location of mobile missile sites.

Unfortunately, Saddam does not need a huge production capacity or weapons stockpile to remain a threat. As a February 15 article in London's Sunday Telegraph noted, recent investigations of a tiny leak of anthrax from a Soviet

facility in 1979 have documented 77 deaths, with animals killed up to 30 miles away, even though less than a gram of anthrax escaped.

Even if the Administration allows the military to conduct a comprehensive air campaign which cripples Saddam's ability to produce weapons of mass destruction, it is highly unlikely that air strikes will result in UNSCOM inspectors being given unfettered access to suspect sites or will enhance our ability to contain Saddam.

This brings us to the question of what happens after the bombing stops? The only proven way to effectively eliminate Iraq's chemical and biological weapons capacity is to have inspectors on the ground. As President Clinton remarked in an address last week to the Joint Chiefs of Staff, UNSCOM inspectors,

have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf War . . . [including] 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical and biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents.

But 17 tons of biological growth agents, 600 tons of VX precursors and 4,000 tons of other chemical precursors remain unaccounted for. Iraq could have produced 200 tons of VX alone with this missing material. If, following the air strikes, Saddam denies permission for UNSCOM to conduct inspections, or if UNSCOM finds that it is not safe to proceed following the air strikes, then US actions will have jeopardized international security, not enhanced it.

Furthermore, limited air strikes may extend rather than contain Saddam's power and influence in the region. We only have to look at the fact that the states most threatened by Saddam—the Arab nations in proximity to Iraq, with the exception of Kuwait—are not supporting US military action. Even Saudi Arabia, which we protected against invasion during the Gulf War, and our NATO ally Turkey have refused the use of air bases.

The Arab nations are acting according to their own self-interest. They realize that Saddam is a threat to their national security, but they also recognize that limited US air strikes which fail to depose Saddam could leave them in an even more precarious position. The states neighboring Iraq have legitimate concerns that they could be destabilized if their populations rally around Saddam, who would be seen as a hero for standing up to the West.

Saddam could gain further sympathy from those disaffected populations by opting out of the oil-for-food program. The entire sanctions regime could crumble, and Saddam could continue to increase his weapons program unfettered by multilateral sanctions. Efforts

to promote democracy in the region would be jeopardized. Terrorism could be increased and exported to the United States.

President Clinton asked a rhetorical question in his speech last week at the Pentagon: "What if he (Saddam) fails to comply, and we fail to act?" Well, I have a question for President Clinton, what if our air strikes only strengthen Saddam's power and eliminate any chance of finding and destroying his weapons of mass destruction?

Administration officials have glibly answered that we will just bomb again. That is not a policy; that is not a strategy. It is a cop-out for poor planning and the lack of a comprehensive policy toward Iraq.

How often can we bomb without mobilizing Muslim nations to stand by the people of Iraq? How often can we bomb without some form of retaliation from Iraq against our allies in the region, if not against the United States itself? This Administration talks in terms of limited strikes, but in war we must take into account the "law of unintended consequences," and the threat of a regional conflict should not be dismissed.

Which brings us to the subject of an endgame. When air strikes appeared imminent, I called Secretary General Kofi Annan and urged him to personally pursue a diplomatic solution. And I asked him at that time whether he had a message he would like to convey to the Senate. He responded that we should think through the endgame—what we will do after a military strike if we proceed to bomb Iraq. That is, I believe, sound advice.

The Administration claims that it has a long-term strategy in Iraq—a strategy of containment. But I fail to see any connection between the Administration's short-term strategy of limited air strikes and its stated long-term goal of containing Saddam Hussein. As I said earlier, the best way to contain Saddam is to have weapons inspectors on the ground. Even when they are being impeded, their very presence makes it impossible for Saddam to engage in large-scale production of weapons of mass destruction. The Administration's proposed use of air strikes is therefore inconsistent with its stated long-term strategy of containment.

Now, the Administration has stated that there are no good options for action against Iraq—and I agree. However, one of the reasons why there are no good options is the failure of this Administration to make an all-out effort over the past seven years to remove Saddam from power by establishing a power base for an alternative Iraqi government. Surely, this is an effort which could have secured allies in the region.

According to news reports, by the end of 1996, both of the CIA's covert op-

erations programs had been obliterated. One effort to recruit Iraqi officers, to try to provoke a military coup was apparently infiltrated by Iraqi double agents, and at least 100 officers were executed by Saddam for cooperating with Americans. Another effort to back the Iraqi National Congress in northern Iraq was abandoned by the US government and thousands were slaughtered when they mounted an offensive against Saddam Hussein.

An article in the February 15 Los Angeles Times noted that the CIA team that was on the ground when the offensive started was recalled to the US when the acting Director of the CIA asked the FBI to conduct a criminal investigation as to whether five CIA officers involved in covert operations in Iraq were plotting to kill Saddam—charges, by the way, that were later dropped. Now this had a chilling effect on covert activity in Iraq, raising concerns as to whether this Administration is serious about getting rid of Saddam Hussein.

I do not support Congressional efforts to overturn the Executive Order forbidding the assassination of foreign leaders. However, there is sufficient flexibility for covert operations to succeed in removing Saddam from power and those efforts must be promoted.

As I stated before, I am pleased that Secretary General Annan succeeded in reaching an agreement with Saddam Hussein. Even if this agreement unravels, it has afforded Congress an opportunity to debate the Administration's policy toward Iraq.

We must demand that the Administration come forward with a clear explanation of its strategy and tactics. We must condemn the Administration for refusing to give a codeword briefing to Senators on targeting strategy—only later did we read an outline of this strategy on the front page of The New York Times.

As pressure to bomb Iraq was mounting, I remained convinced that further diplomatic efforts should be explored. There seemed to be a "rush to bomb." As I said earlier, I called Secretary General Annan before the Administration agreed to his trip and asked him to go to Baghdad and speak to Saddam.

I let Ambassador Richardson know that I would support a solution allowing representatives of the permanent members of the Security Council accompany UNSCOM inspectors, as long as UNSCOM was not impeded or compromised in any way.

While I applaud the Secretary General's initiative, I have been appalled by the failure of the UN as an organization, and the Security Council in particular, to support enforcement of the UN resolutions. It is the greatest of ironies that this Administration is sending American men and women to risk their lives to uphold UN Resolution 687. This is a UN Security Council

Resolution, but three out of the five permanent members oppose the use of force. France is more concerned with being able to sell Iraqi oil, China wants to buy the oil, and Russia seeks to be paid the \$6 billion it is owed by Iraq. Only Britain is standing by the United States.

There may come a time when the United States has to use force against Iraq to protect our national security. We cannot subcontract our national security policy to the United Nations. When, and if, that time comes, I hope that this Administration will let our armed forces do its job without one hand tied behind its back. And we should send a clear message to the "Butcher of Baghdad": If chemical or biological weapons are used anywhere in the world, and there is even the most tenuous link to Iraq, the full force of the United States will be used against him.

Mr. President, in an excellent speech on the situation in Iraq, Senator ROBERTS of Kansas cited the words uttered 30 years ago by Senator Richard Russell, the Chairman of the Armed Services Committee during the Vietnam War. I think that it is appropriate for me to once again repeat those words on the Senate floor. He said:

I for one am not afraid of the old fashioned term, victory. We hear a great deal about limited wars, but I would point out that there is no such thing as a limit on actual combat in which our men are engaged. While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards in pursuing them.

And Senator Russell also made the following pledge:

As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

It is inconsistent with our history, tradition and fundamental principles to commit American boys on far flung battlefields if we are to follow policies that deny them full support because we are afraid of increasing the risk of those who stay at home.

It is a confession of moral weakness on the part of this country not to take any steps that are necessary to fully diminish the fighting power of our enemies.

Mr. President, I urge my colleagues and the Administration to hear those words—they have as much relevance today as when they were first uttered in this chamber.

I yield the floor.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. CRAIG. Mr. President, today I come to the floor of the Senate to visit with my colleagues about NATO and NATO expansion.

Of all the responsibilities the Senate is called upon to exercise under our constitutional system, none is more momentous—and, in most cases, as irrevocable—as our advice and consent to the ratification of treaties and treaty revisions. One of the treaty questions the Senate will be facing in the near future is whether the North Atlantic Treaty—the NATO alliance—should be modified to include the former Warsaw Pact states of Poland, Hungary, and the Czech Republic. Our decision on this matter will set the structure for security in Europe and the American role in it for years, perhaps decades, to come.

I would like to commend the distinguished Chairmen of the Committee on Armed Services and the Committee on Foreign Relations for the thorough and thoughtful hearings they have held on this matter. However, in my discussions with a number of Senators, particularly those who, like myself, are not members of those committees, it is clear that many Senators have only begun to focus on the many interrelated issues that touch upon the matter of NATO expansion. Indeed, some of the issues—our relations with our allies, relations with the Russians, the implications for weapons proliferation, our policy toward Iraq—are shifting every day.

For example, this week the distinguished Majority Leader spoke forcefully about his misgivings about the agreement reached between U.N. Secretary General Kofi Annan and the Saddam Hussein regime in Iraq. Our entire policy in the region has been put on hold. It is well known that both France, a key NATO ally, and Russia, the obvious object of NATO expansion, strongly welcome this outcome. Will Saddam Hussein live up to this agreement? Many of us consider it unlikely. Will the United States return to the military option in a few weeks or months? I don't think any of us really yet know that. How will the Iraq crisis, whatever its outcome, affect our relations with both our allies and Russia? We do not yet know the impact of the realities of these events. How will the outcome affect the larger task of stemming the proliferation of nuclear, chemical, and biological weapons and

missile technology? We do not yet know. Not knowing the answers to these questions, are we prepared to make an irreversible decision on NATO expansion? I think not—at least not yet.

In considering the implications just of the Iraq crisis, I bring to my colleagues' attention an op-ed by Mr. Thomas L. Friedman that appeared in the New York Times on February 17, before the Annan/Hussein deal. Mr. Friedman wrote:

The U.S. should be doing everything it can to work with Russia, not only on Iraq but to shrink Russia's own nuclear arsenal, which is the greatest proliferation threat in the world today. Attention shoppers: Russia has thousands of weapons of mass destruction. It has hundreds of unemployed or underemployed nuclear scientists. And it has only the loosest controls over its nukes and nuclear materials, and it has a signed nuclear arms reduction treaty with the U.S. that has not been implemented. But instead of dealing with this problem, the Clintonites are making it worse. They are expanding NATO to counter a threat that doesn't exist—a Russian invasion of Europe—and thus undermining America's ability to work with Russia on the threat that does exist—Russia's loose nukes. "Halting the proliferation of nuclear materials, missiles and technology is clearly our number-one foreign policy challenge since the breakup of the Soviet Empire," says former Senator Sam Nunn, who was the expert in the Senate on this issue.

"But because it is number one, we should be measuring all other policies by how they affect proliferation. Not only does NATO expansion not help us deal with Russia on the issue, it is counterproductive."

Mr. President, I ask unanimous consent to have Mr. Friedman's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS; MADELEINE'S FOLLY

(By Thomas L. Friedman)

With a U.S. bombing of Iraq now increasingly likely, the question being raised by those uneasy with such a strike is: What is the endgame? Is America just throwing its weight around to punish Saddam Hussein?

The answer is really very simple. It comes down to two words: weapons proliferation. If Iraq—already a repeat user of poison gas—is able to snub its nose at the U.N. weapons inspectors, then the world's ability to fight the proliferation of weapons of mass destruction elsewhere would be fundamentally compromised. Libya and its friends would all be less afraid to develop germ weapons and nukes. We would all end up in a much more dangerous world. That's why Saddam has to be stopped.

But it is precisely because stemming weapons proliferation should be the centerpiece of U.S. foreign policy in the post-cold-war era that the Clinton Administration's policy of NATO expansion is so stupid. The U.S. should be doing everything it can to work with Russia, not only on Iraq but to shrink Russia's own nuclear arsenal, which is the greatest proliferation threat in the world today. Attention shoppers: Russia has thousands of weapons of mass destruction. It has hundreds of unemployed or underemployed nuclear scientists. And it has only the loosest controls over its nukes and nuclear

materials, and it has a signed nuclear arms reduction treaty with the U.S. that has not been implemented.

But instead of dealing with this problem, the Clintonites are making it worse. They are expanding NATO to counter a threat that doesn't exist—a Russian invasion of Europe—and thus undermining America's ability to work with Russia on the threat that does exist—Russia's loose nukes.

"Halting the proliferation of nuclear materials, missiles and technology is clearly our number-one foreign policy challenge since the breakup of the Soviet Empire," says former Senator Sam Nunn, who was the expert in the Senate on this issue. "But because it is number one, we should be measuring all other policies by how they affect proliferation. Not only does NATO expansion not help us deal with Russia on this issue, it is counterproductive."

The Clinton team has never had an integrated foreign policy. It treats Iraq and NATO expansion as if they were totally disconnected. One day Secretary of State Albright gives a speech telling Russia that NATO is moving right up to the Baltic-Russian border. The next day she complains that Russia isn't being helpful on Iraq. Gosh, I wonder why not?

"Thanks to NATO expansion, we have convinced the Russian political elite that they are not our partner and that their security is not as important to us as the security of the Czechs," says Jack Matlock, President Reagan's Ambassador to Moscow.

We are already paying a price for this. NATO expansion has prompted Russia's Parliament to stall its ratification of the Start 2 nuclear arms reduction treaty, which would shrink Russian and U.S. nuclear arsenals from around 7,000 apiece to 3,500 apiece. That's 3,500 fewer Russian nukes pointed at us. But the deal has been frozen by NATO expansion. If the Clinton team loses the Start 2 treaty, in order to add the Czechs to NATO, it will go down as one of the greatest blunders in the history of U.S. foreign policy: Madeleine's folly.

As Mr. Matlock notes, the more we expand NATO, "the less willing Russia's Ministry of Atomic Energy is to work with us on cooperative measures" to keep its atomic scientists constructively employed—so they don't end up in Iraq and Iran—and the less willing Russia's military is to let us in to help it better control and destroy its nuclear materials.

Moreover, if Ms. Albright is serious about extending NATO to the Baltic States, the only way NATO can possibly defend them is with nukes. Baltic membership in NATO will, therefore, only encourage Russia to continue altering its defense doctrine—moving to a greater reliance on nuclear weapons for defense, on more of a hair trigger, because the closer NATO gets to Russia's border the less warning time Moscow will have. But don't worry, sleep well, Latvia will be in NATO.

The Clintonites are rightly ready to go to war with Iraq to halt the spread of weapons in the Middle East. But their expansion of NATO will only increase the threat of proliferation in Russia—where there are a lot more weapons, under a lot less control, and all pointed at us.

Mr. CRAIG. Mr. President, in the same vein, one of our colleagues, the distinguished Senator from New Hampshire, Mr. GREGG, made the same point on the floor February 12, and I thought it was worth noting, especially because it came, again, before the Annan-Hussein agreement:

But in the area of Russia, for example, this administration appears to think that they can go to the [Russians] and demand that Russia follow our policies in Iraq and insist on their support on Iraq, but at the same time this administration proposes an expansion of NATO. You have to recognize, if you were a Russian leader, you would find a certain irony in a request that was coupled in that terminology. Because, of course, an expansion of NATO, especially to Poland, is an expansion that can only be viewed in Russia with some concern and possibly viewed by some as an outright threat. . . . So you can understand that Russia might view a push to expand NATO at the same time as we are asking them to support us in Iraq as being inconsistent and a bit ironic. And it reflects, unfortunately, I think, this administration's failure to understand the linkage—and linkage is the right term—between working with a nation like Russia and our capacity to do things in the Middle East and moving forward with the NATO expansion at the exact same time. Yet, if you were to listen to the leadership of this administration, they will tell you that there is no relationship, they have no overlap on those two issues. Of course, that is just not true, and that is one of the main reasons we are having problems with Russia [today].

In case anyone in this country has missed it, the Russians have not. They understand the linkage, even if the Clinton administration does not seem to understand it. On February 24, Vladimir Lukin, Moscow's former Ambassador to the United States and now the chairman of the Duma's Committee on International Affairs, commented:

It would be a big mistake if the United States was offended by Russian policy toward Iraq or another country. . . . Russia's policy toward Iraq is not only Russia's policy—we coincide with many other countries, including U.S. allies. . . . The problem is whether Russia is considered part of the Atlantic community or not.

Now remember, I am quoting the Russian chairman of the Committee on International Affairs of the Duma.

He says, again:

The problem is whether Russia is considered part of the Atlantic community or not. Russia will have to decide how it is being considered—as an equal partner or as an outsider. NATO enlargement is isolating Russia. What is the choice for us? Only to be an outsider.

He also goes on to say:

Not a hostile outsider, but still an outsider. It is a danger. We will become stronger, and we are still a nuclear power. It is a danger to us and a danger to you—

Meaning the United States.

A few years ago there was the idea of partnership, now there is a strong hesitation in the United States.

Mr. President, that's the linkage you are missing, that's the linkage many of us are concerned about as it relates to current policy.

The point here, as I have noted at some length, is just one ongoing aspect of this very complex issue which we have hardly begun to assess. This is just one aspect, but there are others, no less troublesome, which I will only mention briefly.

The Baltic States: What is the nature of our commitment to admit these States? What are the ramifications?

Our European partners: Why are we so passive to our allies' bald insistence that they intend to bear very little of the costs of expansion? As our distinguished former colleagues Howard Baker and Sam Nunn raised the matter in their recent essay in the *New York Times*:

Advocates and skeptics of NATO enlargement alike agree that the transformation of Europe's security structure should be related to the transformation of the economy. As James Baker, the former Secretary of State, has testified, European Union membership "is just as important as membership in NATO for the countries involved," and "we must make clear that NATO membership for the countries of Central Europe is not a substitute for closer economic ties to the European Union."

So then, why are we taking the first step in a reintegration that is not primarily a question of security—since there is no credible threat—while our European allies, who together have greater resources to help their neighbors than the United States, continue to play what can only be said to be a secondary role?

The "New NATO": Republicans, in particular, should be very concerned about the words of President Clinton upon signing of the Founding Act in May of 1997. He says:

We are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping.

As we know, peacekeeping, in some people's eyes, can be considered offensive actions.

I go on to quote:

It will work closely with other nations that share our hopes and values and interests through the Partnership for Peace. It will be an alliance directed not longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members and nonmembers alike.

Mr. President, I certainly hope this doesn't mean what it sounds like it means—the end of NATO as a defensive alliance and its transformation into a regional peacekeeping organization. Will the "new NATO" exist to protect its members—or to engage in many Bosnia-like missions all over Central and Eastern Europe?

Now let me speak briefly of costs. To say the least, there is a great deal of skepticism over the question of how much this is going to cost the American taxpayer and whether the very low estimates now being given by the administration are, in any way, credible. I note that we have not even begun to discuss how much of the costs accruing to the new allies will end up being billed to the United States. For example, in May of 1997, ABC News quoted the American Ambassador to Hungary to the effect that the Amer-

ican share of buying new planes for the Hungarian Force "will be perhaps 20 percent to 25 percent" of the cost of that "at most."

How about 30 percent or how about 40 percent? We don't know. That hasn't been negotiated. But what this administration is saying is that we will play a substantial role in the diversity of military equipment for these new partners in NATO.

So how much is the real cost? And, again, shouldn't we know before we are asked to vote?

In closing, Mr. President, let me emphasize that I do not believe we are yet ready in this Senate to give this matter the full debate that it deserves and that we must hear on this issue. If we had to vote on NATO expansion on the basis of the information we now have, I would vote no, and I know that there are many others in this body who would vote no.

I look forward to a full, detailed and lengthy debate on the issue at the appropriate time. The appropriate time is when the Senate is fully knowledgeable on the issue of NATO expansion as they take up one of their most important constitutional responsibilities: the advice and consent on these critical issues. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I commend the Senator from Idaho for his thoughtful comments. He started his comments by saying that this is a matter to which many of the Senators have not given very thorough consideration, and I think that is accurate. I certainly fall into that category.

I am not on either of the major committees that deal with the expansion of NATO. Like all Senators, I am busy with this or that. It seems to me very wise that we all give this matter some thorough consideration. It is my understanding that the majority leader is anxious to bring up the NATO expansion legislation quite soon.

I just want to say, speaking for just this Senator, I certainly haven't concentrated on it. I look forward to reading the op-ed piece—I believe it was an op-ed piece—that Senator Baker and others worked on.

All I can say is, I am grateful for the comments that the Senator from Idaho made, because it is wise for all of us—I personally haven't made up my mind on this. I am astonished that I haven't been lobbied, not that my vote is a key vote on it, but on this matter, the former Senator from New Hampshire came by to see me. He is very concerned. I am speaking of Senator Humphrey, a former Senator from New

Hampshire. He is very concerned about the expansion of NATO. I think he presented some good arguments on it. Perhaps he has also spoken with the Senator from Idaho.

Again, I thank the Senator for his thoughts.

Mr. CRAIG. Will the Senator yield?

Mr. CHAFEE. I certainly will.

Mr. CRAIG. I thank the chairman for those comments. One of the measurements I always use on issues of this gravity and importance, and especially if I do not know a great deal about them, is when there are men and women on both sides of the issue whom I respect, it demands that I begin to review it in great detail. That is what I am hearing from the Senator, that when you have the likes of Howard Baker, and a former Secretary of State, and you have Sam Nunn and a good many others on the other side of the issue who are certainly knowledgeable, I think it is time for the Senate to focus and for our colleagues to begin to try to deal with this issue, and that is why I am here. I thank the Senator for his comments.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Ms. Cheryle Tucker, a detailee from the Department of Transportation who is working with my staff, be given floor privileges during the ISTEA debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Christopher Prins, a fellow with Senator LIEBERMAN's office, be granted floor privileges during the consideration of the ISTEA legislation, S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent I be allowed to speak for about 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. I also ask unanimous consent that the privilege of the floor be extended to Steve Shackelton, a detailee on my staff from the U.S. Park Service, during my statement today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1693 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNA TREBIL'S 100TH BIRTHDAY

Mr. DASCHLE. Mr. President, I want to take a few moments to recognize a very special constituent of mine, Anna Trebil. Today—Friday, February 27, 1998—is Anna's 100th birthday.

Born and raised in Sanborn County, South Dakota, Anna is a true South Dakotan. She is a pioneer and a valued community member. She has lived her entire life in the state and currently resides in Mitchell, South Dakota. Having never spent a day of her life in the hospital, Anna has been blessed with outstanding health which has contributed greatly to her strong and enduring spirit.

I join her children, her 7 grandchildren, her great grandchild and her many friends in wishing Anna Trebil a very happy 100th birthday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 26, 1998, the Federal debt stood at \$5,525,033,799,622.62 (Five trillion, five hundred twenty-five billion, thirty-three million, seven hundred ninety-nine thousand, six hundred twenty-two dollars and sixty-two cents).

One year ago, February 26, 1997, the Federal debt stood at \$5,345,590,000,000 (Five trillion, three hundred forty-five billion, five hundred ninety million).

Five years ago, February 26, 1993, the Federal debt stood at \$4,197,003,000,000 (Four trillion, one hundred ninety-seven billion, three million).

Ten years ago, February 26, 1988, the Federal debt stood at \$2,473,373,000,000 (Two trillion, four hundred seventy-three billion, three hundred seventy-three million).

Twenty-five years ago, February 26, 1973, the Federal debt stood at \$453,599,000,000 (Four hundred fifty-three billion, five hundred ninety-nine million) which reflects a debt increase of more than \$5 trillion—\$5,071,404,799,622.62 (Five trillion, seventy-one billion, four hundred four million, seven hundred ninety-nine thousand, six hundred twenty-two dollars and sixty-two cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

MEASURES REFERRED

The following bill was referred to the Committee on Rules and Administration on February 26, 1998, following the adoption of the motion to proceed to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes:

S. 1663. A bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 1691. A bill to provide for Indian legal reform, and for other purposes; to the Committee on Indian Affairs.

By Mr. NICKLES (for himself, Mr. BAUCUS, Mrs. HUTCHISON, and Mr. MURKOWSKI):

S. 1692. A bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ABRAHAM):

S. 1693. A bill to renew, reform, reinvigorate, and protect the National Park System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICE, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD, Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNE, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, and Mr. COATS):

S. Res. 186. A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1691. A bill to provide for Indian legal reform, and for other purposes; to the Committee on Indian Affairs.

AMERICAN INDIAN EQUAL JUSTICE ACT

Mr. GORTON. Mr. President, I introduce the American Indian Equal Justice Act and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "American Indian Equal Justice Act".

(b) FINDINGS.—Congress finds that—

(1) a universal principle of simple justice and accountable government requires that all persons be afforded legal remedies for violations of their legal rights;

(2) the fifth amendment of the Constitution builds upon that principle by guaranteeing that "... no person shall be deprived of life, liberty, or property without due process of law";

(3) sovereign immunity, a legal doctrine that has its origins in feudal England when it was policy that the "King could do no wrong", affronts that principle and is incompatible with the rule of law in democratic society;

(4) for more than a century, the Government of the United States and the States have dramatically scaled back the doctrine of sovereign immunity without impairing their dignity, sovereignty, or ability to conduct valid government policies;

(5) the only remaining governments in the United States that maintain and assert the full scope of immunity from lawsuits are Indian tribal governments;

(6) according to the 1990 decennial census conducted by the Bureau of the Census, nearly half of the individuals residing on Indian reservations are non-Indian;

(7) for the non-Indian individuals referred to in paragraph (6) and the thousands of people of the United States, Indian and non-Indian, who interact with tribal governments everyday, the rights to due process and legal remedy are constantly at risk because of tribal immunity;

(8) by providing a complete shield from legal claims, the doctrine of sovereign immunity frustrates justice and provokes social tensions and turmoil inimical to social peace;

(9) the Supreme Court has affirmed that Congress has clear and undoubted constitutional authority to define, limit, or waive the immunity of Indian tribes; and

(10) it is necessary to address the issue referred to in paragraph (9) in order to—

(A) secure the rights provided under the Constitution for all persons; and

(B) uphold the principle that no government should be above the law.

(c) PURPOSE.—The purpose of this Act is to assist in ensuring due process and legal rights throughout the United States and to strengthen the rule of law by making Indian tribal governments subject to judicial review with respect to certain civil matters.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior.

(2) TRIBAL IMMUNITY.—The term "tribal immunity" means the immunity of an Indian tribe from jurisdiction of the courts, judicial review of an action of that Indian tribe, and other remedies.

SEC. 3. COLLECTION OF STATE TAXES.

Section 1362 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "The district courts";

(2) by inserting "(referred to in this section as an 'Indian tribe')" after "Interior"; and

(3) by adding at the end the following:

"(b)(1) An Indian tribe, tribal corporation, or member of an Indian tribe, shall collect, and remit to a State, any excise, use, or sales tax imposed by the State on nonmembers of the Indian tribe as a consequence of the purchase of goods or services by the nonmember from the Indian tribe, tribal corporation, or member.

"(2) A State may bring an action in a district court of the United States to enforce the requirements under paragraph (1).

"(3) To the extent necessary to enforce this subsection with respect to an Indian tribe, tribal corporation, or member of an Indian tribe, the tribal immunity of that Indian tribe, tribal corporation, or member is waived."

SEC. 4. INDIAN TRIBES AS DEFENDANTS.

(a) PROVISIONS TO PARALLEL THE PROVISIONS THAT ARE POPULARLY KNOWN AS THE TUCKER ACT.—Section 1362 of title 28, United States Code, as amended by section 3, is further amended by adding at the end the following:

"(c)(1) The district courts of the United States shall have original jurisdiction in any civil action or claim against an Indian tribe, with respect to which the matter in controversy arises under the Constitution, laws, or treaties of the United States.

"(2) The district courts shall have jurisdiction of any civil action or claim against an Indian tribe for liquidated or unliquidated damages for cases not sounding in tort that involve any contract made by the governing body of the Indian tribe or on behalf of an Indian tribe.

"(d) Subject to the provisions of chapter 171A, the district courts shall have jurisdiction of civil actions in claims against an Indian tribe for money damages, accruing on or after the date of enactment of the American Indian Equal Justice Act for injury or loss of property, personal injury, or death

caused by the negligent or wrongful act or omission of an Indian tribe under circumstances in which the Indian tribe, if a private individual or corporation would be liable to the claimant in accordance with the law of the State where the act or omission occurred.

"(e) To the extent necessary to enforce this section, the tribal immunity (as that term is defined in section 2 of the American Indian Equal Justice Act) of the Indian tribe (as that term is defined in such section 2) involved is waived."

SEC. 5. TORT CLAIMS PROCEDURE.

(a) IN GENERAL.—Part 6 of title 28, United States Code, is amended by inserting after chapter 171 the following:

"CHAPTER 171A—INDIAN TORT CLAIMS PROCEDURE

"Sec.

"2691. Definitions.

"2692. Liability of Indian tribes.

"2693. Compromise.

"2694. Exceptions; waiver.

"§ 2691. Definitions

"In this chapter:

"(1)(A) Subject to subparagraph (B), the term 'employee of an Indian tribe' includes—

"(i) an officer or employee of an Indian tribe; and

"(ii) any person acting on behalf of an Indian tribe in an official capacity, temporarily or permanently, whether with or without compensation (other than an employee of the Federal Government or the government of a State or political subdivision thereof who is acting within the scope of the employment of that individual).

"(B) The term includes an individual who is employed by an Indian tribe to carry out a self-determination contract (as that term is defined in section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j))).

"(2) The term 'Indian tribe' means any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior.

"§ 2692. Liability of Indian tribes

"(a) An Indian tribe shall be liable, relating to tort claims, in the same manner and to the same extent, as a private individual or corporation under like circumstances, but shall not be liable for interest before judgment or for punitive damages.

"(b) In any case described in subsection (a) in which a death was caused and the law of the State where the act or omission complained of occurred provides for punitive damages, the Indian tribe shall, in lieu of being liable for punitive damages, be liable for actual or compensatory damages resulting from that death to each person on behalf of whom action was brought.

"§ 2693. Compromise

"The governing body of an Indian tribe or a designee of that governing body may arbitrate, compromise, or settle any claim cognizable under section 1362(d).

"§ 2694. Exceptions; waiver

"(a) The provisions of this chapter and section 1362(d) shall not apply to any case relating to a controversy relating to membership in an Indian tribe.

"(b) With respect to an Indian tribe, to the extent necessary to carry out this chapter, the tribal immunity (as that term is defined in section 2 of the American Indian Equal Justice Act) of that Indian tribe is waived."

(b) CLERICAL AMENDMENT.—The table of chapters for title 28, United States Code, is amended by inserting after the item relating to chapter 171 the following:

"171A. Indian Tort Claims Procedure 2691".
SEC. 6. INDIAN TRIBES AS DEFENDANTS IN STATE COURTS.

(a) **CONSENT TO SUIT IN STATE COURT.**—Consent is hereby given to institute a civil cause of action against an Indian tribe in a court of general jurisdiction of the State, on a claim arising within the State, including a claim arising on an Indian reservation or Indian country, in any case in which the cause of action—

(1) arises under Federal law or the law of a State; and

(2) relates to—

(A) tort claims; or

(B) claims for cases not sounding in tort that involve any contract made by the governing body of an Indian tribe or on behalf of an Indian tribe.

(b) **TORT CLAIMS.**—In any action brought in a State court for a tort claim against an Indian tribe, that Indian tribe shall be liable to the same extent as a private individual or corporation under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

(c) **FEDERAL CONSENT.**—Notwithstanding the provisions of the Act of August 15, 1953 (67 Stat 588 et seq., chapter 505), section 1360 of title 28, United States Code, and sections 401 through 404 of the Civil Rights Act of 1968 (25 U.S.C. 1321 through 1324) and section 406 of such Act (25 U.S.C. 1326) that require the consent of an Indian tribe for a State to assume jurisdiction over matters of civil law, this section constitutes full and complete consent by the United States for a State court to exercise jurisdiction over any claim referred to in subsection (a).

(d) **REMOVAL.**—An action brought under this section—

(1) shall not be removable under section 1441 of title 28, United States Code; and

(2) shall be considered to meet the requirements for an exception under section 1441(a) of title 28, United States Code.

SEC. 7. INDIAN CIVIL RIGHTS.

Title II of the Civil Rights Act of 1968 (commonly known as the "Indian Civil Rights Act") (25 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 204. ENFORCEMENT.

"The district courts of the United States shall have jurisdiction in any civil rights action alleging a failure to comply with rights secured by the requirements under this title. With respect to an Indian tribe, to the extent necessary to enforce this title, the tribal immunity of that Indian tribe (as that term is defined in section 2 of the American Indian Equal Justice Act) is waived."

SEC. 8. APPLICABILITY.

This Act and the amendments made under this Act shall apply to cases commenced against an Indian tribe on or after the date of enactment of this Act.

By Mr. NICKLES (for himself,
 Mr. BAUCUS, Mrs. HUTCHISON,
 and Mr. MURKOWSKI):

S. 1692. A bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection; to the Committee on Finance.

SOFTWARE TRADE SECRETS PROTECTION ACT

Mr. NICKLES. Mr. President, recent Congressional oversight of the Internal Revenue Service has revealed an agency which has virtually limitless power to enforce the tax code. One aspect of this power is the ability of the IRS to use its summons authority to force

taxpayers to turn over books, papers, records, or other data in the course of an audit.

Recently, the IRS has started to use its administrative summons power to gain access to the source code for computer software products. Source code for software is a human-readable form of computer language written by software programmers, and it contains all the "tricks of the trade" which a programmer uses to ultimately make the software product do its job. After a programmer writes the source code, it is "compiled" into machine-readable form called executable code or object code. If the software is being sold or otherwise distributed to customers, the executable code is copied onto diskettes or CD-ROM's for the customers' use.

The IRS has used its summons power to obtain computer software source code in several different audit situations. The IRS has sought the source code for the software used to produce the tax return from the vendor of the software.

The IRS has sought the source code for a software product in connection with a Section 482 transfer pricing audit with respect to a license for the software product to a foreign subsidiary, and the IRS has summoned the source code for software developed by a computer service company in the course of an audit of the firm's research and experimentation credit. The IRS has summoned the executable code of taxpayer's tax preparation software in order to run "what-if" scenarios based on the taxpayer's records during an audit.

The primary problem with complying with these summons is that, in each instance the IRS would need to hire an outside consultant in order to make any meaningful use of the source code. Such outside consultants likely would be competitors or potential competitors of the software company. A skilled computer programmer can discern the software company's trade secrets from an examination of the source code, whereas trade secrets cannot readily be discerned from an examination of the executable code.

Further, problems can also arise when the IRS issues a summons to a computer software company in connection with an audit of one of their customers. This requires the software publisher to look through its own, not the taxpayer's, voluminous records for the relevant versions of the programs in question. This can place an undue burden on the software publisher by requiring their key technical personnel to be diverted from their regular work to help with the tax audit of a customer.

Finally, if the IRS is allowed to use a taxpayer's tax preparation software and records to run "what-if" scenarios during an audit, the taxpayer will be

forced to justify a tax return they did not file.

In several of these situations, Mr. President, the owner of the computer software source code has objected to the summons in order to protect their trade secrets. Unfortunately, because the IRS summons authority is so broad, the courts have been constrained to side with the IRS in most cases, leaving computer software companies with inadequate protection for their trade secrets.

Perhaps a better way to explain the issue, Mr. President, is with the following analogy. Imagine that during an audit of the Coca-Cola Company, the IRS issues a summons for the secret recipe for Coke. Even though the IRS can see the Coke, taste it, and read the ingredients on the side of the can, they still insist on examining the secret recipe. Now, imagine further than the IRS admits that since they employ no one with expertise in this area, they will have to contract with experts from Pepsi to examine Coke's secret recipe. This is the dilemma facing the computer software industry.

For these reasons, Mr. President, I am introducing the Software Trade Secrets Protection Act. This legislation is similar to a bill introduced in the House of Representatives by Congressman SAM JOHNSON, and the section 344 of H.R. 2676, the House-passed IRS reform bill.

The Software Trade Secrets Protection Act provides a general prohibition on the IRS using summons authority to obtain computer software source code. The bill then sets out three exceptions to the general prohibition: (1) cases where the Secretary can demonstrate need, (2) criminal investigations, and (3) internally developed software where competitive issues are not implicated.

In the first exception, the Secretary has the burden of showing that the need for the source code outweighs the burdens placed on the summoned person and the danger that its trade secrets might be exposed. The bill further provides a series of protections for both source code and executable code if it is eventually examined by the IRS, including provisions intended to prevent the IRS from using a taxpayer's software and data to run "what-if" scenarios during an audit.

Mr. President, the U.S. software industry leads the world in the development of innovative products and cutting-edge technology. They are one of the fastest growing and most competitive industries in the nation, and their products are unique and oftentimes require special consideration. I believe Congressional hearings have shown what the IRS can and will do if its power is unrestrained. The Software Trade Secrets Protection Act creates good, common-sense restrictions on that power.

I look forward to working with my colleagues on the Senate Finance Committee to include this legislation in IRS reform legislation this year.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Software Trade Secrets Protection Act".

SEC. 2. SOFTWARE TRADE SECRETS PROTECTION.

(a) IN GENERAL.—Subchapter A of chapter 78 of the Internal Revenue Code of 1986 (relating to examination and inspection) is amended by redesignating section 7612 as section 7613 and by inserting after 7611 the following:

"SEC. 7612. SPECIAL PROCEDURES FOR SUMMONSES FOR COMPUTER SOFTWARE.

"(a) LIMITATION ON AUTHORITY TO REQUIRE PRODUCTION OF COMPUTER SOFTWARE SOURCE CODE.—

"(1) IN GENERAL.—No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, to produce or examine any computer software source code or related customer communications, and training materials.

"(2) EXCEPTION WHERE INFORMATION NOT OTHERWISE AVAILABLE TO VERIFY CORRECTNESS OF ITEM ON RETURN.—Paragraph (1) shall not apply to any portion, item, or component of computer software source code if—

"(A) the Secretary, without examining the computer software source code, is unable to otherwise ascertain with reasonable accuracy the correctness of any item on a return after employing auditing procedures and practices otherwise used pursuant to this title,

"(B) the Secretary identifies with reasonable specificity the portion, item, or component of such code needed to verify the correctness of such item on the return, and

"(C) the Secretary demonstrates that with respect to the issue under examination the need for the portion, item, or component of the computer software source code requested outweighs the burdens of production imposed on the summoned person and the risks of disclosure of trade secrets.

"(3) OTHER EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) any inquiry into any offense connected with the administration or enforcement of the internal revenue laws, and

"(B) any computer software developed by the taxpayer or a related person (within the meaning of section 267 or 707(b)) for internal use by the taxpayer or such person and not for commercial purposes.

"(4) ENFORCEMENT PROCEEDING.—In any proceeding brought under section 7604 to enforce a summons issued under this section, the court shall hold a hearing to determine whether the Secretary has met the requirements of paragraph (2).

"(5) COMPLIANCE WITH SUMMONS FOR COMPUTER SOFTWARE SOURCE CODE.—Any person to whom a summons for a portion, item, or component of computer software source code is issued shall be deemed to have complied

with such summons by producing a hard-copy printout of such code.

"(b) PROTECTION OF TRADE SECRETS AND OTHER CONFIDENTIAL INFORMATION.—

"(1) ENTRY OF PROTECTIVE ORDER.—In any court proceeding to enforce a summons for any portion of software, the court may receive evidence and issue any order necessary to prevent undue burdens or the disclosure of trade secrets or other confidential information with respect to such software, including providing that any information be placed under seal to be opened only as directed by the court.

"(2) PROTECTION OF SOFTWARE.—Notwithstanding any other provision of this section, and in addition to any protections ordered pursuant to paragraph (1), in the case of software that comes into the possession or control of the Secretary in the course of any examination with respect to any taxpayer—

"(A) the software may be examined only in connection with the examination of such taxpayer's return,

"(B) the software may be disclosed only to persons conducting such examination whose duties or responsibilities require access to the software,

"(C) the software shall be maintained in a secure area or place, and, in the case of computer software source code and related documents, shall not be removed from the owner's place of business,

"(D) the software may not be copied except as necessary to perform such examination,

"(E) at the end of the examination (and any judicial review of the summons issued under this section), the software and all copies thereof shall be returned to the person from whom they were obtained and any copies thereof made under subparagraph (D) on the hard drive of a machine or other mass storage device shall be permanently deleted and any notes or other memoranda made with regard to such software shall be destroyed,

"(F) the software may not be decompiled, disassembled, or reverse engineered, and

"(G) the Secretary shall provide to the taxpayer and the owner of any interest in such software, as the case may be, a written agreement between the Secretary and any person who will examine or otherwise have access to such software, in which such person agrees—

"(i) not to disclose such software to any person other than authorized employees or agents of the Secretary during and after employment by the Secretary, and

"(ii) not to compete with the owner of the software for a period of 2 years after disclosure to such person of such software.

"The owner of any interest in the software shall be considered a party to any agreement described in subparagraph (G).

"(c) COMPLIANCE WITH SUMMONS FOR CERTAIN COMPUTER SOFTWARE EXECUTABLE CODE.—Any taxpayer to whom is issued a summons for commercially available computer software executable code used to prepare such taxpayer's return or to account for the taxpayer's transactions with others shall be deemed to have complied with such summons by producing a read-only version of such code.

"(d) DEFINITIONS.—For purposes of this section—

"(1) SOFTWARE.—The term 'software' includes computer software source code and computer software executable code.

"(2) COMPUTER SOFTWARE SOURCE CODE.—The term 'computer software source code' means—

"(A) the code written by a programmer using a programming language which is com-

prehensible to appropriately trained persons, is not machine readable, and is not capable of directly being used to give instructions to a computer, and

"(B) related programmers' notes, design documents, memoranda, and similar documentation, excluding customer communications and training materials.

"(3) COMPUTER SOFTWARE EXECUTABLE CODE.—The term 'computer software executable code' means—

"(A) any object code, machine code, or other code readable by a computer when loaded into its memory and used directly by such computer to execute instructions, and

"(B) any related user manuals."

(b) UNAUTHORIZED DISCLOSURE OF SOFTWARE.—Section 7213 of the Internal Revenue Code of 1986 (relating to unauthorized disclosure of information) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) DISCLOSURE OF SOFTWARE.—Any person who divulges or makes known in any manner whatever not provided under section 7612 to any other person software (as defined in section 7612(d)(1)) shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution."

(c) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 78 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 7612 and by inserting the following:

"Sec. 7612. Special procedures for summonses for computer software.

"Sec. 7613. Cross references."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SOFTWARE TRADE SECRETS PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

1. FACTUAL SCENARIOS

Recently, the Internal Revenue Service has started to use its administrative summons power to gain access to the source code for computer software products. The use of the summons power to compel production of computer software source code has come up in three situations. First, in connection with the audit of certain taxpayers under the Coordinated Examination Program, the IRS has sought the source code for the software used to produce the tax return from the vendor of the software. In other cases, IRS has sought the source code for a software production in connection with a Section 482 transfer pricing audit. In the third class of cases, IRS has summoned the source code for software developed by a computer service company in the course of an audit of the firm's research and experimentation credit. In each instance, the IRS has signaled its intention to hire outside consultants in order to make any meaningful use of the source code. Such outside consultants likely would be competitors or potential competitors of the software company.

The source code for computer software is the human readable form prepared by software programmers. After the source code is prepared, it is then "compiled" into machine-readable form called executable code or object code. The executable code is then copied onto diskettes or CD-ROM's for distribution to customers. A skilled computer programmer can discern the software company's trade secrets from an examination of the source code. Trade secrets cannot readily be discerned from an examination of the executable code.

The ease of misappropriating software trade secrets and capitalizing on such secrets is unparalleled, especially given advances in computer and communications technology.

Computer software products undergo nearly continuous change. Many times, it is not possible to match a particular version of a product in the hands of a customer with a discrete source code version. Software companies continually revise their products and issue new versions. Within a particular version, companies frequently issue updates and corrections after a product is released. These interim changes must first be made to the source code before the machine-readable versions are released. Software companies make such bug-fixes and patches available to their customers, but typically the vendor does not know whether the customer has installed them or not.

Summonses issued to third-party record keepers typically require the recordkeeper to identify and turn over to the IRS documents regarding the taxpayer's financial transactions. By contrast, a summons for source code could require a software publisher to look through its own, not the taxpayer's, voluminous records for the relevant versions of the programs in question. Further, this would require programmers to divert attention from programming to search for the summoned code. Merely complying with a summons for source code could cause competitive damage to a software company because key technical personnel will be diverted to help with the tax audit of a customer. This could be especially damaging to small or medium-sized companies.

2. TRADE SECRET LAW

The law of trade secrets provides an effective and efficient method to protect commercially sensitive and important business information. For many companies the law of trade secrets is the method of choice for protecting valuable business information. Trade secret law arises from state law. Unlike patent, copyright and trademark law there is no federal scheme for trade secret protection. The law of trade secrets, depending upon the state, derives either from the common law or the Uniform Trade Secrets Act. A slight majority of states use the uniform act. The common law, as set forth in the Restatement of Torts, Sec. 757, defines a trade secret as follows:

"A trade secret may consist of a formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know it or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers."

The Supreme Court has relied upon this definition to require that for information to constitute a trade secret, it must (1) be used in one's business, (2) provide a competitive advantage, and (3) be secret.

Under the Uniform Trade Secrets Act (Sec. 1(4)), a trade secret is defined as follows:

"trade secret means information, including a formula, pattern, compilation, device method, technique, or process that:

"(1) derives independent economic value, actual or potential, from not being generally known to, and not readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

"(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

The cornerstone of both definitions, whether common law or statutory, is that the information must be kept secret. The standard for secrecy for a trade secret comprises a two-pronged test: (1) whether the information alleged to be a trade secret is generally known or available, and (2) whether the trade secret owner takes affirmative steps to safeguard the confidentiality of the information.

Trade secret owners may protect information from unauthorized disclosures by entering into contracts with those to whom the confidential information is disclosed. Such contracts typically take two forms. First, a trade secret owner may require such a person to enter into a "nondisclosure agreement" under which the individual promises not to disclose or use trade secret information without first obtaining the permission of the owner.

The second type of contract is a post-employment "non-competition agreement." Under this type of contract, an employee or outside consultant agrees not to compete with the present employer or client or become employed by a competitor of the employer or client after termination of the current relationship.

Both types of agreements are widely used in the software industry to protect trade secrets that might exist in software source code.

3. IRC SECTION 6103

Internal Revenue Code Section 6103 generally prohibits Internal Revenue Service employees from disclosing tax returns and "tax return information." The United States and its agents can be held liable for improper disclosures of tax returns and tax return information. See I.R.C. Sec. 7431. However, Section 6103 does not protect software source code regardless of whether it is owned by the taxpayer or a third-party software vendor. Section 6103 expressly excludes from the definition of "return information" "data which is in a form which cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer." Generally speaking, source code would not identify, either directly or indirectly, the taxpayer and thus would not qualify as "return information."

In addition, were computer source code to be treated as "return information," Section 6103 contains numerous provisions that actually authorize disclosure of return information. Section 6103(n) permits disclosure of return information to IRS contractors working on programming IRS computers. Thus, defining computer source code as "return information" actually would expose it to disclosure to potential competitors of the software owner.

4. OVERVIEW OF THE BILL

The bill reflects the basic premise that the subject matter (computer software) is unique and justifies all relevant provisions being collected in one section. The House bill, on the other hand, attempts to address the problem by amending several code sections in patchwork fashion.

The general rule of the bill is a blanket prohibition on the IRS using the summons authority to obtain computer source code and related customer communications. It also prohibits a summons for training materials. It then sets out three significant exceptions to the prohibition: (1) cases where the Secretary can demonstrate need, (2) criminal investigations, and (3) cases involving internally developed software where competitive issues are not implicated.

Under the first exception, before a summons can be issued for source code, the Sec-

retary has the burden of demonstrating that the need for the source code outweighs the burdens placed on the summoned person and the danger that its trade secrets might be exposed. The bill also sets out a series of protections for both source code and executable code in the hands of the IRS. These protections are in lieu of whatever protections might be afforded by Section 6103.

5. DETAILED ANALYSIS

Section (a)(1):

This section establishes the general rule that no summons may be issued, and no enforcement proceeding may be commenced, for computer software source code and related customer communications or training materials. This general rule with respect to source code is subject to three exceptions.

Section (a)(2):

The first exception is for cases where the Secretary can establish that he cannot perform an accurate audit without a review of computer software source code.

The provision for a needs-based test recognizes that questions may arise during an audit that can only be answered with reference to the source code. It is intended that such a summons might be issued only as a last resort and only after traditional audit techniques have been exhausted. In these circumstances, it is contemplated that the audit has become focused on a particular issue or set of issues. The Secretary may have had access to an executable version of the software loaded with the taxpayer's financial data. At some point in the audit, the Secretary and the taxpayer may have been unable to verify the correctness of the computation of an entry on the tax return under audit. Further, in such a case, it is contemplated that the Secretary will have asked the software publisher for assistance in resolving this issue but been unable to obtain a satisfactory answer. After the Secretary has sufficiently identified the specific item on the return for which source code is sought a summons can be issued only for that portion of the source code that relates to the specific entry on the tax return.

In deciding whether a summons has been properly issued, a balancing test is established in lieu of the current standard. Under current law, all that the Secretary needs to show is that the summoned material "might shed some light" on the accuracy of the tax return. See *United States v. Powell*, 379 U.S. 48 (1964). This standard was developed well before the computer revolution and the proliferation of software in the United States economy. It provides considerably less protection than the standard applied by most other federal agencies in similar cases. Despite having written administrative policies acknowledging the importance of protecting trade secrets, the Secretary has not, in practice, honored those policies by showing adequate sensitivity to the legitimate concerns of software publishers.

The bill replaces the *Powell* standard with a new balancing test. To meet the balancing test, the Secretary, and any court conducting a review, must determine whether the need for the source code outweighs the burden on the owner of the source code in complying with the summons and the danger that its trade secrets might be exposed to a competitor.

The initial threshold requires that the Secretary demonstrate some need for the portion of the source code that is sought. To meet this test, the Secretary must show that he is unable to verify the correctness of the item without a review of the source code. Ordinarily, the audit process focuses on the

taxpayer's financial records to determine whether the tax return reflects a proper application of the internal revenue laws to the facts. Importantly, traditional computer audit techniques used to verify data in an efficient manner are a part of this process and are not effected by the bill. Such a process does not require the source code for the software that might have been used to prepare the return. However, in cases involving tax issues related to software products, it is anticipated that very little if any probative evidence could be gleaned from the source code.

In assessing the burdens imposed on the owner of software in complying with a summons issued under this section, it is anticipated that the Secretary, and the courts, will focus on a variety of issues. The chief factor to consider is the degree of business interruption that would be caused by compliance with the summons. Other factors to consider include: (1) whether the software was initially developed by the current owner of the software source code, (2) whether the source code was developed by former employees, (3) the degree to which the source code has changed since the software was first developed and (4) whether the software owner itself has put into issue the use or content of the source code.

The danger of trade secret disclosure exists anytime non-employees of the trade secret owner are allowed access to confidential information. In weighing the risks of trade secret disclosure, a factor to consider is the ability to impose safeguards on such disclosure, including the statutory protections available under subsection (b) of this section.

Section (a)(3), Other Exceptions:

The general prohibition on issuing a summons or computer source code does not apply to a summons issued in furtherance of an inquiry into any criminal offense or with respect to software developed by the taxpayer for its own internal use and not for commercial purposes. The exception for internal use software is to be applied to situations where the taxpayer-developed software is used to process the taxpayer's own financial transactions, provide internal accounting functions, or to prepare such taxpayer's own tax return. It is not to be applied to situations where a taxpayer develops software that is used by it to provide a service to its unrelated customers.

Section (a)(4), Enforcement proceedings:

Currently, the Secretary and the Court handle summons enforcement proceedings in a summary fashion. Because the burden on the Secretary is so low, the Secretary merely files the affidavit of the Revenue Agent conducting the affidavit. This shifts the burden to the summoned person to show cause why the summons should not be enforced. This burden is a heavy one and the summoned person often is not allowed discovery for evidence that bears on such issues.

Any time the Secretary brings an action to enforce a summons issued under this section, the Court would be required to conduct a hearing to determine whether the Secretary has met the requirements of paragraph (2). The courts shall allow the summoned party to conduct discovery so that a proper defense can be presented. When a summons is issued under this section for source code in the hands of a third-party software publisher, the summoned person ordinarily will have no independent knowledge of the facts and issues surrounding the audit of the taxpayer. The Court can enter such protective orders that are necessary to prevent widespread disclosures of returns and return information.

Section (a)(5), Compliance with Summons for Source Code:

A person in receipt of a summons for computer software source code may comply with such a summons by producing a hard copy printout of the portion of the source code identified in the summons. If a person were required to produce a digital copy of source code, the danger of multiple copies being generated and transmitted outside the owner's premises is heightened.

Section (b), Other Protections:

(1) Court Ordered Protections: Under current law, there is a split among the courts of appeal over the authority of district courts to conditionally enforce IRS summonses. The Fifth Circuit and the Ninth Circuit hold that the court's authority is limited and may issue only two types of orders: (1) an order enforcing the summons in full, or (2) an order quashing the summons in full. In the Eighth Circuit, the courts have discretion to issue orders limiting the scope of the summons and can place restrictions on the Secretary's use of information obtained with a summons. With regard to summonses issued under this section, the district courts are given express statutory authority to issue such orders that are necessary or appropriate to prevent disclosures of trade secrets or other confidential information or to prevent undue hardship on the summoned person. With respect to summonses issued under this section, *United States v. Barrett*, 837 F.2d 1341 (5th Cir. 1988), is overruled. This provision has no effect on the authority of the district courts with regard to other types of summonses.

(2) Protection of Computer Software Code: The provisions of this subsection apply to both source code and executable code in the possession of the IRS, and apply whether or not an enforcement proceeding is commenced. The provisions of this section are in lieu of any protections that might be afforded or disclosures that might be permitted under Section 6103. These provisions are designed to: (1) limit the examination of computer software code by the Secretary, (2) limit the number of IRS employees who might be permitted access to such computer code, (3) ensure that no unauthorized copies are made, (4) require that all copies be returned or destroyed at the end of the audit, and (5) bind any person who might be exposed to such computer software code to the same or similar restrictions on disclosure and competition that might be imposed on its employees by the owner of such computer software code. With regard to computer source code, the bill permits the owner of such code to insist that it not be removed from its business premises. Because the software publisher will not be in direct privacy of contract with the IRS employee or outside consultant who will have access to such code, the provision treats such owner as if it were a party to the agreement. Thus, the software publisher will have statutory standing to directly enforce the terms of such agreements to prevent disclosures or uses of trade secrets obtained in the course of an examination.

The list of protections in the bill is not intended to be exhaustive. The Secretary and the trade secret owner may agree to other protective measures in a particular case. For the avoidance of doubt, a district court in fashioning a protective order is not limited to the list of protective measures set forth in the statute.

Sec. (b), Compliance with Summons for Executable Code:

This section describes the circumstances under which a taxpayer will be deemed to

have complied with a summons issued for certain computer software executable code. This section only applies to commercially available computer software executable code that is used by the taxpayer to produce the tax return under examination or accounting software that is used by the taxpayer to process transactional data. A taxpayer will be deemed to have satisfied a summons for such software upon production to the Secretary of a read-only version of such software or a run-time module containing data files produced by such software. The Secretary shall not be entitled to a fully executable version of such computer software executable code. However, the version of the computer software executable code provided by the taxpayer must allow the Secretary to access such interim data files as might be produced by the fully executable software. Such data files must be in a fully readable mode.

Section (d), Definitions:

The term "software" is defined to include both computer software source code and computer software executable code. The general prohibition on issuance of a summons applies only to a summons for computer software source code. The additional protections apply to summonses for software which will include both source code and executable code.

This section adopts the common definitions of source code and executable or "object" code.

"The source code for a computer program is the series of instructions to the computer for carrying out the various tasks that are performed by the program, expressed in a programming language which is easily comprehensible to appropriately trained human beings. The source code serves two functions. First, it can be treated as comparable to text material, and in that respect can be printed out, read and studied, and loaded into a computer's memory, in much the same way that documents are loaded into word processing equipment. Second, the source code can be used to cause the computer to execute the program. To accomplish this, the source code is "compiled." This involves an automatic process performed by the computer under the control of a program called a "compiler" which translates the source code into "object code" which is very difficult to comprehend by human beings. The object code version of a program is then loaded into the computer's memory and causes the computer to carry out the program function."—See, *SAS Institute, Inc. v. S & H Computer Systems, Inc.*, 605 F. Supp. 816, 818 (M.D. Tenn. 1985).

Machine language, on the other hand, which is most commonly referred to as executable code or "object" code, is the only language that a computer can actually understand. All computer programs must be converted into machine language if the computer is to be able to execute the instructions in the program. Machine language is usually a binary language using two symbols, 0 and 1, to indicate an open or closed switch. Theoretically, computer programs can be written by programmers in machine language, and at one point, they actually were. But it is extremely difficult for humans to think and write operational instructions in the form of binary code.

Section (b), Criminal Actions:

This section amends Section 7213 to provide that disclosures of the types of information dealt with under this section would be punishable in the same manner as disclosures of returns and return information.

Effective date:

The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. THOMAS (for himself and Mr. ABRAHAM):

S. 1693. A bill to renew, reform, reinvigorate, and protect the National Park System; to the Committee on Energy and Natural Resources.

VISION 2020 NATIONAL PARKS RESTORATION ACT

Mr. THOMAS. Mr. President, there are many issues in the Congress that divide us. We come from different areas. We come from different philosophies. Today I come to the floor with a bill that is an opportunity to come together collectively, introducing a bill on one of the uniquely American priorities that does, in fact, bind us together—our national parks.

If you have felt the Earth shake and experienced the thunder of Old Faithful in Yellowstone or contemplated the patriotic enigma at Gettysburg, you can well understand my passion for support of these areas so important to our national identity. The value of national parks is clearly one of the cultural constants for Americans. As the chairman of the Subcommittee on National Parks, I can tell you each and every Senator needs to look at the perilous state of the parks today and act with me in developing some long-term solutions.

The bill I introduce today, Vision 2020, the National Parks Restoration Act, is a result of a quite lengthy process of inquiry and of study. Over the last year, the subcommittee has had more than 15 park-related hearings. We have spoken to dozens of park experts—environmental groups and user groups. We have listened to the suggestions as well as the criticisms from our colleagues and have attracted activity in the House. Our purpose is and was to carefully review the state of national parks and to evaluate areas for improvement within the agencies.

We have found that there is a system of parks tremendously popular with the public but afflicted by problems that the public sometimes only vaguely recognizes. Let me share some of the findings. Our system of national parks stands at 376 units, including over 83 million acres of the most treasured landscapes and historical sites of our national possessions. The National Park Service is charged by law with a distinctly unique mission—to protect its natural and cultural resources unimpaired for the enjoyment of current and future generations. It is a charge and responsibility that is hard to handle in the best of times. In times of fiscal constraint, that mandate requires a broad range of innovative approaches to get that job done. Each year, over 250 million recreational users enjoy our parks. Our hearings revealed that each year 12 million visitors are from foreign lands, with their visitations contributing significantly, of course, to America's \$22 billion international travel trade surplus. This explosive popularity directly stimu-

lates over \$10 billion in annual economies locally and supports 230,000 tourism-related jobs.

However, the parks face many problems. One of the most pressing problems facing the agency is the "thinning of the blood," explained in one of our hearings by previous Park Service Director Jim Ridenour. At the same time, new parks have been added to the system without appropriations to care for them. The agency has been saddled with new responsibilities at the same time the resources have not been available for the parks already there. Collectively, the shortfall between where the Park Service is and where it should be in terms of maintenance, construction, staffing and resource protection is approximately \$5 to \$8 billion in arrears. Another problem is the wear and tear on roads, bridges, campgrounds and other facilities, leaving critics to observe that the parks have been "loved to death."

As visiting populations grow, facilities that were often built decades ago cannot stand the strain. It has become clear through our oversight process that park managers are hobbled in their ability to assess the inventory of natural and cultural resources, probably one of the primary functions of the park and the park management. The funding and cooperative cost sharing have simply not existed to catalog the resources that the parks must protect. At a time when we need the best from the Park Service managers, rangers, maintenance, scientific and administrative staff, we find there is less to offer them in terms of professional development.

Probably as serious as any of these conditions is the problem of the public apathy. Don't get me wrong, the Americans truly like their parks. They love their parks. But as of yet, that has not really translated into a definitive call for action from the Congress or the administration.

In my local park of Yellowstone, there has been some increase in appropriations each year, but the required changes in terms of retirement, in terms of staffing and in terms of inflation have been more than eaten up in the increase in the appropriations to where the expendable income has, in fact, gone down.

Probably as serious as any of these conditions, as I said, is public apathy. I can tell you, the day is coming when we will have increasing problems, and I hope that we will be ahead of that game. I propose we mobilize ourselves to address these problems before we are in a crisis and have to close parks and take more costly measures.

I continue to say if we are to have these resources in the future for our kids and our future generations, then we are going to have to do something soon, the sooner the better, in terms of coming to a solution. If we continue to

do what we have been doing, we can't expect better results in the future.

So Vision 2020 provides a broad, systematic approach to addressing the needs of the National Park Service. The restoration bill takes a broad approach, with 11 titles covering key areas of concern. Vision 2020 will enhance resource protection by extending the fee base that goes directly to park programs. This will be accomplished by expanding, extending and dedicating to the park increased demonstration projects fees that were approved last year and that have been in effect 1 year. We want to put them in all the parks where it is practical and lawful to collect those fees. We now have them in about 100 parks out of 376 that can be expanded.

We need to harness the enthusiasm of voluntarism, and also philanthropic donations. Voluntarism is alive and well in many parks. At Golden Gate Recreation Area, 8,400 residents of the Bay Area donate time each year to support the park in a variety of ways—volunteer time and philanthropic donations can be improved by orders of magnitude to add to the solvency and expertise and the work power of parks. We need to tap the power of individual donors for local causes.

At our hearing in Denver, I learned the charitable contributions are most successfully subscribed from individual donors on a local basis, those that visit or those that live, or those who are familiar with the park that is closest to them, where they can help monitor the direct results. As a result, we also ask the National Park Foundation to develop a formal program of orientation, strengthening, guidance, and ongoing assistance for park locales interested in developing friends and groups that are interested in supporting their local park. There are many in almost every park. We were in Gettysburg last week. Gettysburg has several groups supportive of their own park.

We need to find ways to enhance the contribution of concessionaires. Park funding levels will be directly enhanced by asking the concessionaire to help to shoulder a more realistic portion of the park's expenses through a fee structure that closely tracks their earnings in particular parks. At present, fee schedules vary widely. Face it, people do travel in parks. They do require lodging, meals and facilities. Remember the purpose of the park? To preserve the resource and provide a pleasant and quality visit. That is what these concessions do. Many concessionaires operate in an almost non-competitive market where the business is virtually assured. We are striving for a fee system that maximizes revenues for these businesses privileged to operate in parks—of course, recognizing the need for them to make a profit in order to be there.

We need to improve park concession management performance. In fairness

to concessionaires and park visitors who rely on their services, a dramatic change is proposed in the way concessions are managed by the Park Service in this legislation. We think the parks should utilize more of the private sector expertise in these activities that are totally commercial in nature and we would utilize a private industry asset manager to support many aspects of developing, bidding, developing prospectus and rewarding management of commercial contracts. An advisory board, made up of the agency and industry experts, would guide the director. This would be a board of three agency people, three private sector people, chaired by the Secretary of the Interior, controlled, obviously, by the agencies, to ensure that whatever is done in the commercial sector does not, in fact, damage the resource protection purpose of the park.

In addition to that, we are going to ask that our Hollywood friends share some in the cost of maintaining parks. Hollywood will be asked to do their part through a provision that ties filming fees to a small percentage of the commercial production costs. You would be surprised how many movies are made in parks. We think that is fine, but there ought to be some contribution. We are not asking much from Hollywood, but the American public expects some return for the use of those public facilities.

We are developing a Passport to Adventure to garner members. A park "passport system" would be created featuring annually issued collectible stamps similar to the successful duck stamp series, raising revenues which would encourage people to contribute something to their park; or perhaps a tax refund contribution. We thought we would make it easy for people to make a contribution, a unique opportunity for American taxpayers who want to not only talk the talk but will, as a result, have an option of dedicating part of their tax refund to the National Park Resource Protection programs by simply checking it off on their tax form.

Promoting agency professionalism. One title of the bill concentrates on the strategy for developing more expertise among National Park Service employees. By the way, let me say that my experience personally with parks over the last year or two leads me to believe or feel that there is a great deal of loyalty among park agency employees. I don't know of an agency in the Federal Government where people are more committed or more loyal to what they do than the employees of the Park Service. Of course, to be able to do that, they do need the additional ability to have training as well as defining a system of recruitment. Future park superintendents and senior managers need to have an opportunity to become as professional as possible.

We are interested in making sure that science is there as a foundation for the management of these resources. Vision 2020 directs support for the science necessary to guide that important work by making some shifts in the program.

The Park Police are important. I guess I didn't realize myself until recently what a significant contribution the Park Police make, particularly here in Washington where there are over 400 Park Police to take care of the parkways, the parks, the rivers, and all of the things here, as well as in New York City. This aspect of the Park Service has often been overlooked. We are asking that there be some studies to assure that they have the resources to do the kinds of things that they are obliged to do.

Finally, we are going to talk about an innovative area of park resources. Almost all of the large parks have the same kinds of things that small towns have. They have sewers, streets, buildings, all of which are very difficult to maintain on an annual budget. So we are going to seek to put into play, at least as a demonstration program, a bonding program where large parks like Yosemite could have an opportunity to issue bonds of \$10 million—and, in fact, that will be the limit for any park—to do some kind of facility restructuring that can't come out of annual budgets, direct a stream of repayment revenue from the demonstration project so that maybe over 5 or 10 years those bonds would be retired—similar to what almost every government agency does in the whole world when they have facilities to build.

This won't be easy. It is not customary for the Federal Government to have bonding programs. It's also, frankly, sometimes unc customary for the Government to do anything they haven't been doing for a hundred years. So there will be some difficulty in causing that to happen. But we think it's important, and we think it will be useful.

Basically, what we are seeking to do, Mr. President, is to recognize how important parks are, to recognize the difficulty parks have had, and are continuing to have, in maintaining those resources, to deal with some opportunities to supplement the taxpayers' appropriation support for parks by having some outside methods of raising funds that can be used in the parks.

With those additional funds will go some requirements for additional and strengthened management, so that there is accountability for how those dollars are spent. There will be a vision plan over a period of time for the agency, with vision plans coming from each park, with measurable results in the plan. The GAO, the Government auditing office, says often we have plans and we even have appropriations where the plan is not implemented and we want

to cause that to happen. And then, in addition to that, of course, we want to help strengthen the management through professionalism and do some things, such as bonding.

So, in conclusion, I want to ask you to consider for a moment an America without national parks. How would we feel without Yosemite, Independence Hall, or Grand Canyon protected for public enjoyment? How much of our national identity is reflected in these icons—the Statue of Liberty, Yellowstone, the National Capital Mall, or Old Faithful? How much of the rugged, adventurous American spirit is still revisited by hiking the back country of Glacier or mountaineering in Alaska's Denali? What would America be without protecting habitat for bison, moose, and bighorn sheep? These are the kinds of things we have available. These are the kinds of things that challenge us to protect.

As Americans, what would we leave our children and grandchildren if not these wild and historic places to reflect, recreate and pause for some spiritual renewal? It seems to me that we all have an obligation to a measure of national service directed at strengthening our proud system of parks—the first such system in the world—the system that over 100 other nations have modeled after around the world.

So I am asking for the support of my colleagues for Vision 2020—not only your vote, but also your review and constructive commentary. We worked very hard to put together the bill. We don't suggest that it is perfect. We will have hearings, and there will be an opportunity to evaluate how we achieve success. That is the key. These words are not unchangeable, but the goal is to preserve the parks.

I believe that together we can accomplish constructive changes. We have an opportunity to bring the National Park Service and our national parks into the 21st century, alive, vibrant, effective and efficient. I think the public expects us to seize upon that opportunity so that our parks will be healthy and available for them to enjoy for a very long time in the future.

So, Mr. President, I will submit this bill. First of all, I will add Senator SPENCER ABRAHAM as an original sponsor. I submit the bill for introduction.

ADDITIONAL COSPONSORS

S. 467

At the request of Mr. WELLSTONE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 467, a bill to prevent discrimination against victims of abuse in all lines of insurance.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor

of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

At the request of Mr. McCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was withdrawn as a cosponsor of S. 1422, *supra*.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1675

At the request of Mr. SHELBY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1675, a bill to establish a Congressional Office of Regulatory Analysis.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of Senate Joint Resolution 41. A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Resolution 155. A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 186—CONCERNING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 186

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other

United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, "to develop friendly relations among nations based on respect for the principle of equal rights . . ."; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the "Western European and Others Group", a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any efforts to reform the United Nations, including the Security Council, also resolve this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

Mr. MOYNIHAN. Mr. President, today I am pleased to submit a resolution seeking to right a 50 year wrong. I am joined by the distinguished senior Senator from Indiana, Senator LUGAR, and 37 of my colleagues. Having served as our Ambassador to the United Nations, I am painfully aware of the paradox facing Israel at the United Nations. Israel is a state which was created by the United Nations, and yet for 50 years has been treated as a stepchild—or worse—in its dealings at the United Nations.

Never was that more apparent than the sad period when the General Assembly equated Zionism with racism. It took a long 16 years to repeal, but after great effort it was done. Today, I hope we can begin a similar effort to end a cold war anomaly. I speak of the fact that Israel is excluded from a United Nations regional group. Israel is the only one of the 185 member states of the United Nations barred from membership in a regional group. The United Nations member states have organized themselves by regional groups since before Israel joined the United Nations in 1949. Membership in a United Nations regional group confers eligibility to sit on the Security Council, the Economic and Social Council, as well as other United Nations councils, commissions, and committees.

This effort could mirror that of the effort to repeal the odious General Assembly Resolution 3379, equating Zionism with racism. That effort was led by Chaim Herzog. He came to Washington in 1987 for the first state visit by a President of Israel to the United States in history.

I took the floor of the Senate to introduce a Joint Resolution following word-for-word an Australian measure calling for the repeal of Resolution 3379.

The Senate and the House of Representatives adopted the resolution unanimously, in time for Chaim Herzog to address a Joint Meeting of Congress on November 10, 1987—on the 12th anniversary of his defense of Israel at the United Nations in opposition to Resolution 3379. President Reagan signed the resolution on November 17. Finally, there was an American policy. We meant to repeal General Assembly Resolution 3379.

Both the Zionism resolution and the rejectionist Arab Front would soon lose their major support with the collapse of the Soviet Union. The General Assembly overwhelmingly repealed Resolution 3379 on December 16, 1991. The fight had taken 16 years.

We won that battle but one cold war anachronism remains at the United Nations. One sorry throwback to an era when the institutionalized isolation of Israel was a given in international affairs—the ugly "gentlemen's agreement" that excludes Israel and only Israel from membership in any United Nations Regional Group. Israel—and only Israel—can never sit on the United Nations Security Council. Israel—and only Israel—can never serve on the United Nations Economic and Social Council, where her expertise is so sorely missed. Israel—and only Israel—is less than a full member of the very international organization which bravely voted on November 29, 1947, to create the State of Israel.

A hundred years ago the Zionist Congress first articulated the Zionist dream.

Fifty years ago the United Nations General Assembly endorsed the Zionist dream.

Today, we call for Israel's admission to a United Nations Regional Group. This must be a goal of our government's foreign policy and a priority of reform efforts at the United Nations. That such legislation is necessary is a reminder that, despite the unparalleled success of the Zionist movement in its first hundred years, the state created half a century ago as the fruit of this ideal still requires support from its friends.

I can think of no more fitting congressional tribute to this vision than our country taking its rightful place in the forefront of the effort to allow

Israel to participate fully in international affairs, to be counted as a legitimate member among the nations of the world.

Again, I thank my colleagues for supporting the measure. In particular I thank Senator LUGAR for his strong support in this effort. I hope that this will begin an effort which will finally bring Israel completely within the fold of the United Nations.

Mr. LUGAR. Mr. President, I am pleased to co-sponsor the resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group. I am delighted to join Senator MOYNIHAN in bringing this resolution to the attention of our colleagues in the Senate.

Over the years, many in the Congress have risen to comment on the United Nations. Many have been critical or skeptical about the role the United Nations can and does play in world affairs. Many have been laudatory as well. There is a division in the Congress about the extent to which the United Nations helps to advance U.S. interests and world peace. Last year, the Congress devoted an enormous amount of time on legislation to pay our arrears to the U.N. and the conditions and reforms which must be met before disbursement of our payments. That legislative effort is still continuing. There are many disagreements about the United Nations and I don't wish to revisit or bridge the gap between these views.

But, Mr. President there is an important United Nations issue on which all members of the Congress can agree and that is the resolution we are introducing today. Senator MOYNIHAN and I are joined by nearly forty members of the Senate who believe that an institutional injustice, based on political reasons, has been perpetrated on the state of Israel because it has been denied membership in a U.N. "regional group." On the surface, this denial would appear to be a minor oversight or slight snub of a long-standing member of the United Nations. But, it is much more than that.

U.N. regional group membership confers eligibility to serve on the Security Council and other important committees of the United Nations such as the International Court of Justice and the U.N. Commission on Human Rights. Nominations of members to serve on U.N. committees are made by the regional groups. Israel does not belong to any regional group. Indeed, Israel is the only country in the United Nations that can not claim membership in any regional group. As such, it is ineligible for membership in the influential committees in the U.N. Paradoxically, Iran, Cuba, Syria and Libya enjoy this privilege denied Israel.

As with the United States Congress and most every legislative or deliberative body, much of the real work is per-

formed in committees, councils and other smaller deliberative bodies. To be denied membership in these committees is to be denied the opportunity to influence important decisions and actions of the United Nations. It is unfair and unjust and should be rectified as soon as possible.

Israel has not been allowed to join its natural regional group of the Middle East and has expressed interest in joining the Western Europe and Others Group (WEOG) regional group. The WEOG group includes Western European democracies, the United States, Australia, New Zealand, and Turkey.

The resolution we are introducing today urges the President to help facilitate Israel's membership in an appropriate U.N. regional group. Under current circumstances, an appropriate regional group is most likely to be the WEOG. It further urges the administration to report to the Congress on the steps it has taken to assist Israel's membership in a U.N. regional group and the success or failure of those efforts.

Mr. President, I ask that all members take note of this resolution. It seeks to bring full equality to Israel's membership in the United Nations. I am confident that it will be supported by the entire body.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BOND (AND OTHERS) AMENDMENT NO. 1677

Mr. BOND (for himself, Mr. LOTT, and Mr. BREAUX) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

esses. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the ter-

minals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems."

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting "including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: "and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting "publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: "and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following:

"With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

WARNER (AND OTHERS) EXECUTIVE AMENDMENT NO. 1678

(Ordered referred to the Committee on Foreign Relations.)

Mr. WARNER (for himself, Mr. MOYNIHAN, and Mr. BINGAMAN) submitted an executive amendment intended to be proposed by them to the resolution

of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in the resolution, insert the following:

() UNITED STATES POLICY REGARDING FURTHER EXPANSION OF NATO.—Prior to the date of ratification of the Protocols by the United States, the President shall certify to the Senate that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years beginning on the date of entry into force of the last of the Protocols to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic to enter into force.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Friday, February 27, 1998, beginning at 9:30 a.m. until business is completed, to receive testimony on S.1578, and to hold an oversight hearing on the budget requests and operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JO CLAYTON, AUTHOR

• Mr. HARKIN. Mr. President, I rise in this body to pay tribute to the gifted science fiction and fantasy writer Jo Clayton, who died Friday, February 13, in Portland, Oregon, two days short of her 59th birthday. Clayton was hospitalized in July 1996 with the multiple myeloma that eventually killed her. Her fight against the cancer of the bone marrow (plasma cells), mobilized the science fiction community and led to a national fund raising campaign to help her deal with the financial burden of her illness.

Jo Clayton was the author of 35 published novels and many short stories. She wrote in both the fantasy and the SF genres. In her best known work, "The Diadem" series (1977), she anticipated by many years the current technology which may allow development of computerized components that can be integrated with a human mind. Jo Clayton's writing was marked by complex, beautifully realized societies set

in exotic worlds, lyrical prose, and compelling characters, both male and female.

Not counting sales of her last series, DRUMS OF CHAOS, Clayton's works sold over 1,250,000 copies. While in the hospital, Clayton impressed everyone with her courage by finishing DRUM CALLS, writing a number of short stories, and completing approximately half of the third volume in the DRUMS trilogy, titled DRUMS OF CHAOS. San Francisco writer Katharine Kerr, who worked with Clayton on a number of writing and editing projects, is Clayton's literary executor as well as good friend. Kerr is expected to either finish the third book herself or select a writer who will complete it.

Jo Clayton's impact on the science fiction community goes far beyond the numbers of books sold which bear her name. Many people who didn't know her personally were touched by her humor, compassion and zest for living, even some who knew her only through the medium of electronic communications. It was an unexplained interruption in those communications which alerted friends to her health problems and led to her hospitalization. Those friends and others from afar supported her battle with the illness which took her life 21 months later. Even those with only fleeting contact were stirred by the courage and determination she displayed during that struggle.

Her legacy will live on not only in her books but in the memories of her friends and fans. Toward the end of her life, her friends gathered in person and on-line to honor her achievements and remember her enjoyment of things large and small. One friend, a fellow Portlander, John C. Bunnell, composed a poem for that evening, which I would like to share with you.

AU REVOIR

Joy shared with friends is what we'll think of first,

Or stories in a book too good to close.

Comes now a twilight, bringing with it tears;

Let no one shed them for her spirit, though,

As after evening, morning reappears,

Yet where the new day beckons, none here know.

Tomorrows without number yet remain

On printed page, or on some other plane;

No need to weep: her words will be her rose.

Mr. President, I submit that we all should be fortunate enough to have friends willing to bear witness in ways such as this. •

BICENTENNIAL OF EASTPORT, MAINE

• Ms. SNOWE. Mr. President, I rise to pay tribute to the community of Eastport, Maine, which this week celebrated the 200th anniversary of its incorporation.

When the sun rises over the cities of America, it rises first over the City of Eastport. The city, located on Moose

Island, epitomizes the rugged beauty of Downeast Maine as well as the hearty and individualistic nature of the region's people. This is a part of Maine and America where hard work is more than a virtue, it's a way of life—and neighbors look out for each other just as they have done for the past two centuries.

As the deepest natural harbor on the east coast, the lifeblood of Eastport has always been the sea. In its earliest days, the city was a center for trade and ship building. Later, in the 1800's, Eastport became the birthplace of the American sardine industry, which was a major source of economic prosperity for the region for many decades, and the city's sea captains sailed from Eastport to ports from Boston to the West Indies.

Today, the city is very much a working port, where traditional fishermen and a vibrant and growing shipping industry exist side-by-side. In 1981, the first year of operation for the Eastport Port Authority, the Port logged six vessels and 15,000 tons of cargo at its 420-foot pier. Last year, according to the Authority's director, Eastport shipped out value-added products to the tune of about \$60 million, with markets ranging from Northern Europe to Taiwan to Italy and the Middle East.

Eastport also hosts an annual, week-long celebration of our nation's independence every year during 4th of July week that is renowned across the State of Maine. Steeped in tradition, the festival has included an almost yearly visit from U.S. Navy vessels dating back to the days when Franklin Delano Roosevelt, who summered across Passamaquoddy Bay on Campobello Island, was Secretary of the Navy. In fact, during the 4th of July celebration Eastport's population of about 2,000 swells six or seven times as visitors and former residents as well as the state's elected officials flock to the island city. Eastport also pays homage to its fishing tradition with its Salmon Festival each September, celebrating an aquaculture industry which has become an important part of the local economy.

As Eastport celebrates its 200th Birthday, her people can be proud of the community which supports a host of cultural and recreational opportunities. And they can be proud of a rich and unique history, which includes the historic site of the War of 1812 era Fort Sullivan—a part of which was relocated and appropriately lives on as a home to Eastport's Border Historical Society.

I first visited Eastport in 1977, and have returned many times over the years, getting to know many of its residents—in fact, one Eastport native is today my Chief of Staff. I have always been struck not only by the beauty of the area but also the hospitality of Eastport's people.

Most recently, I was also struck by their strength and compassion in the face of adversity. Last month, in the wake of devastating and unprecedented ice storms which left much of Maine without electricity, I visited the area to see first-hand how local residents were coping. I spent time at the emergency shelter set up at the Eastport Youth Center. While there, I marveled how people in the community, like elsewhere in Maine, pulled together to help each other through a most difficult and trying time.

I am proud to represent the City of Eastport in the United States Senate, particularly at this special time in the life of this great community. I congratulate Eastport on this wonderful milestone, and wish her people all the best as the city looks ahead toward continued success in the next hundred years.●

RECOGNITION OF REVEREND ROOSEVELT AUSTIN

● Mr. LEVIN. Mr. President, I rise today to join with many of the people from Saginaw, Michigan, as they recognize and honor Reverend Roosevelt Austin with the Coleman Temple Christian Board of Education "Living Legend" award.

Each year, an individual is selected to receive this honor based on outstanding community service, achievement in the public and/or private sector, and commitment to the cause of

political, social and economic advancement for African Americans. Reverend Austin certainly meets the criteria for this award. Recognized as one of the most influential leaders in the city of Saginaw, he is the pastor of Zion Missionary Baptist Church.

Reverend Austin was ordained nearly 35 years ago, and since then he has truly made a difference in the lives of thousands of people. This is evidenced by the honors he has received from civic groups throughout the years, from the Citizen of Saginaw Award bestowed upon him by the city of Saginaw, to the Whitney M. Young Award, given to him by the Boy Scouts of America. He serves on the boards of numerous organizations in his community, including the National Association for the Advancement of Colored People, the Commission on Quality Education for all Children, and Second National Bank of Saginaw.

Members of Zion Missionary Baptist Church would say that the most important role Reverend Austin plays is that of a spiritual leader. Indeed, from his work in the Saginaw County Jail to the lives he touches each day in his own congregation, Reverend Austin is deeply devoted to his ministry and to the spiritual well-being of so many people in Saginaw.

Mr. President, throughout his career, Reverend Roosevelt Austin has truly exemplified the ideals which are the foundation for the Coleman Temple Christian Board of Education "Living

Legend" award. I know my colleagues will join me in recognizing Reverend Austin for his commitment to his community and to equality and justice for all people.●

KJIL—STATION OF THE YEAR

● Mr. BROWNBACK. Mr. President, I rise to congratulate the southwest Kansas radio station KJIL 99.1 FM for being awarded the "Station of the Year" by Focus on the Family radio ministry.

KJIL is a 100,000 watt Christian radio station based in Meade, Kansas. Although it has been on the air for only five years, it has played a significant and positive role in the community and throughout the western region of Kansas. Last year alone, the station sponsored several family-oriented concerts, helped organize transportation for community members to the Promise-Keepers rally in Washington, and expanded its network for 16 different translator stations.

I particularly wish to commend Don Hughes, the station manager of KJIL, for his leadership and vision. And I am particularly pleased that an organization as worthy as Focus on the Family Radio ministries has recognized the station's achievements. It is a great honor, but no great surprise, that KJIL has received the "Station of the Year" award.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Debra Reed:									
Japan	Yen	228,982	1,802.92			442.35			2,245.27
United States	Dollar				1,089.00				1,089.00
Total			1,802.92		1,089.00	442.35			3,334.27

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Jan. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Cortese:									
Panama	Dollar		387.00			163.04			550.04
Guatemala	Quetzal	1,709.70	278.00			34.15		1,709.70	312.15
United States	Dollar				579.00				579.00
Sid Ashworth:									
Panama	Dollar		387.00			163.04			550.04
Guatemala	Quetzal	1,709.70	278.00			34.15		1,709.70	312.15
United States	Dollar				579.00				579.00
Susan Hogan:									
Belgium	Franc	19,296	536.00					19,296	536.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
Canada	Dollar	212.81	150.00					212.81	150.00
United States	Dollar				462.04				462.04
Tim Riesen:									
Canada	Dollar	558.97	394.00					558.97	394.00
United States	Dollar				462.04				462.04
Susan Hogan:									
Japan	Dollar		1,229.00						1,229.00
Total			3,639.00		2,082.08		394.38		6,115.46

TED STEVENS,
Chairman, Committee on Appropriations, Jan. 27, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell, Jr.:									
Hong Kong	Dollar		929.75			1,214.75		2,144.50	
Taiwan	Dollar	12,219	440.00					12,219	440.00
Korea	Won	513,260	578.00					513,260	578.00
United States	Dollar				4,176.75				4,176.75
Robin Cleveland:									
Hong Kong	Dollar		929.75			1,214.75		2,144.50	
Taiwan	Dollar	12,219	440.00					12,219	440.00
Korea	Won	513,260	578.00					513,260	578.00
United States	Dollar				4,176.75				4,176.75
Senator Mitch McConnell:									
Armenia	Dollar		458.75						458.75
Azerbaijan	Dollar		328.75						328.75
Georgia	Dollar		772.75						772.75
Ukraine	Dollar		289.75						289.75
Turkey	Dollar		774.00						774.00
Ireland	Pound	532.71	777.00					532.71	777.00
United States	Dollar				3,480.15				3,480.15
Robin Cleveland:									
Armenia	Dollar		458.75						458.75
Azerbaijan	Dollar		328.75						328.75
Georgia	Dollar		772.75						772.75
Ukraine	Dollar		289.75						289.75
Turkey	Dollar		774.00						774.00
United States	Dollar				2,310.25				2,310.25
William H. Piper III:									
Ireland	Pound	532.71	777.00					532.71	777.00
United States	Dollar				4,843.95				4,843.95
Senator Patrick Leahy:									
United States	Dollar				2,455.35				2,455.35
Norway	Kroner	5,733.36	762.00					5,733.36	762.00
Tim Riesen:									
United States	Dollar				986.35				986.35
Norway	Kroner	4,980.95	662.00					4,980.95	662.00
Senator Kay B. Hutchison:									
Turkey	Dollar		384.00						384.00
Georgia	Dollar		293.00						293.00
Azerbaijan	Dollar		190.00						190.00
Turkmenistan	Dollar		110.00						110.00
Total			13,098.50		22,429.55		2,429.50		37,957.55

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 13, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				1,898.70				1,898.70
Switzerland	Francs	422.85	296.00					422.85	296.00
Maria Rosario Gutierrez Bailey:									
United States	Dollar				3,813.55				3,813.55
Switzerland	Francs	845.75	592.00					845.75	592.00
Senator Ted Stevens:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Senator Dan Coats:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Steve Cortese:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Gary Reese:									
France	Franc	1,140.72	196.00					1,140.72	196.00
John Young:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Total			1,868.00		5,712.25				7,580.25

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 13, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric H. Thoenmes:									
United States	Dollar				710.40				710.40
United Kingdom	Dollar		825.00						825.00
Hungary	Dollar		275.00						275.00
Germany	Dollar		1,100.00						1,100.00
Stephen L. Madey, Jr.:									
United States	Dollar				710.40				710.40
United Kingdom	Dollar		825.00						825.00
Hungary	Dollar		275.00						275.00
Germany	Dollar		1,100.00						1,100.00
Martin McBroom:									
United States	Dollar				1,010.00				1,010.00
Japan	Dollar		3,588.00						3,588.00
Senator Joseph I. Lieberman:									
United States	Dollar				5,454.00				5,454.00
Korea	Dollar		456.00						456.00
Japan	Dollar		498.00						498.00
Fred M. Downey:									
United States	Dollar				4,098.00				4,098.00
Korea	Dollar		460.00						460.00
Japan	Dollar		1,190.00						1,190.00
Bert K. Mizusawa:									
United States	Dollar				4,343.00				4,343.00
Japan	Dollar		511.00						511.00
Korea	Dollar		867.00						867.00
Senator John W. Warner:									
Great Britain	Dollar		1,005.00						1,005.00
Belgium	Dollar		750.76						750.76
Bosnia	Dollar		570.00						570.00
Italy	Dollar		75.00						75.00
Martin A. McBroom:									
Germany	Dollar		2,007.00						2,007.00
United States	Dollar				1,038.00				1,038.00
Charles S. Abell:									
Turkey	Dollar		370.00						370.00
Great Britain	Dollar		480.00						480.00
Germany	Dollar		1,440.00						1,440.00
Italy	Dollar		480.00						480.00
Patrick T. Henry:									
Turkey	Dollar		370.00						370.00
Great Britain	Dollar		480.00						480.00
Germany	Dollar		1,440.00						1,440.00
Italy	Dollar		480.00						480.00
Cord A. Sterling:									
Panama	Dollar		358.00						358.00
Peru	Dollar		1,337.00						1,337.00
Bolivia	Dollar		328.00						328.00
Ecuador	Dollar		362.00						362.00
Colombia	Dollar		386.00						386.00
United States	Dollar				2,013.30				2,013.30
Senator James M. Inhofe:									
Great Britain	Dollar		2,206.00						2,206.00
Mr. Richard D. DeBobes:									
Panama	Dollar		358.00						358.00
Peru	Dollar		1,337.00						1,337.00
Bolivia	Dollar		328.00						328.00
Ecuador	Dollar		362.00						362.00
Colombia	Dollar		386.00						386.00
United States	Dollar				2,013.30				2,013.30
Patrick T. Henry:									
United States	Dollar				4,091.40				4,091.40
Charles S. Abell:									
United States	Dollar				4,091.40				4,091.40
Larry J. Lanzillotta:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		183.00						183.00
Czech Republic	Dollar		203.00						203.00
Hungary	Dollar		168.00						168.00
Bosnia	Dollar		183.00						183.00
Belgium	Dollar		199.00						199.00
Romie L. Brownlee:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		213.00						213.00
Czech Republic	Dollar		213.00						213.00
Hungary	Dollar		186.59						186.59
Bosnia	Dollar		182.53						182.53
Belgium	Dollar		225.17						225.17
Lucia Monica Chavez:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		230.00						230.00
Czech Republic	Dollar		232.00						232.00
Hungary	Dollar		182.00						182.00
Bosnia	Dollar		214.00						214.00
Belgium	Dollar		184.00						184.00
Sharon Soderstrom:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		185.08						185.08
Czech Republic	Dollar		190.00						190.00
Hungary	Dollar		153.59						153.59
Bosnia	Dollar		182.53						182.53
Belgium	Dollar		176.09						176.09
Total			33,551.34		45,663.60				79,214.94

STROM THURMOND,
Chairman, Committee on Armed Services, Feb. 10, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Panama	Dollar		169.00						169.00
Ecuador	Dollar		264.00						264.00
Chile	Dollar		538.00						538.00
Argentina	Dollar		267.00						267.00
Brazil	Dollar		892.00						892.00
Stephen McMillin:									
Panama	Dollar		179.00						179.00
Ecuador	Dollar		274.00						274.00
Chile	Dollar		281.00						281.00
Argentina	Dollar		277.00						277.00
Brazil	Dollar		635.00						635.00
Senator Connie Mack:									
Panama	Dollar		179.00						179.00
Ecuador	Dollar		274.00						274.00
Panama	Dollar		548.00						548.00
Argentina	Dollar		277.00						277.00
Brazil	Dollar		902.00						902.00
Total			5,956.00						5,956.00

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Jan. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Capretta:									
United States	Dollar				1,090.90				1,090.90
United Kingdom	Pound	422.03	708.00					422.03	708.00
Belgium	Francs	12,624.86	342.23					12,624.86	342.23
Total			1,050.23		1,090.90				2,141.13

PETE V. DOMENICI,
Chairman, Committee on the Budget, Dec. 18, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl Comstock:									
Monaco	Dollar		3,000.00		1,490.60				4,490.60
Clark L. LeBlanc:									
United States	Dollar				763.60				763.60
Spain	Peseta	193,753	1,340.48					193,753	1,340.48
Mark Ashby:									
United States	Dollar				986.40				986.40
Switzerland	Francs	1,169.20	827.57					1,169.20	827.57
Total			5,168.05		3,240.60				8,408.65

JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Jan. 26, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Germany	Mark	2,783.6	1,561.00		1,210.10				2,771.10
Senator Daniel K. Akaka:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
James P. Beirne:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Kira Lynn Finkler:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
David Garman:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Andrew L. Lundquist:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Senator Frank H. Murkowski:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Deanna Tanner Okun:									
China	Yuan	10,033.57	1,213.25			313.87			1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
David Garman:									
Japan	Yen	153,853	1,196.00		4,497.00				5,693.00
Robert Simon:									
Germany	Mark	2,574.94	1,444.00		1,333.10				2,777.10
Total			22,626.75		7,040.20		2,197.09		31,864.04

FRANK H. MURKOWSKI,

Chairman, Committee on Energy and Natural Resources, Feb. 23, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Japan	Yen	75,940	598.00					75,940	598.00
Philippines	Peso	26,114.40	745.06					26,114.40	745.06
Brunei	Dollar	866.94	548.00					866.94	548.00
Indonesia	Rupiah	1,950,800	494.00					1,950,800	494.00
Thailand	Baht	19,920	480.00					19,920	480.00
United States	Dollar				6,117.00				6,117.00
Senator John Chafee:									
China	Yuan	4,494.22	542.45					4,494.22	542.45
Australia	Dollar	2,135.97	1,456.94					2,135.97	1,456.94
United States	Dollar				3,124.90				3,124.90
Daniel P. Delich:									
Japan	Yen	370,210	2,917.00					370,210	2,917.00
United States	Dollar				933.00				933.00
Edward B. Gresser:									
Japan	Yen	55,596	437.80					55,596	437.80
Philippines	Peso	27,731.21	791.19					27,731.21	791.19
Brunei	Dollar	824.82	521.38					824.82	521.38
Indonesia	Rupiah	1,571,426	397.93					1,571,426	397.93
Thailand	Baht	12,814	308.76					12,814	308.76
United States	Dollar				4,043.00				4,043.00
William P. Lombardi:									
Japan	Yen	37,970	299.00					37,970	299.00
Philippines	Peso	26,114.40	745.06					26,114.40	745.06
Brunei	Dollar	866.94	548.00					866.94	548.00
Indonesia	Rupiah	1,950,800	494.00					1,950,800	494.00
Thailand	Baht	19,920	480.00					19,920	480.00
United States	Dollar				3,809.00				3,809.00
Joyce A. Rechtschaffen:									
Japan	Yen	272,775	2,177.00					272,775	2,177.00
United States	Dollar				1,010.00				1,010.00
Barbara W. Roberts:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				1,044.00				1,044.00
Total			17,971.57		20,080.90				38,052.47

JOHN H. CHAFEE,

Chairman, Committee on Environment and Public Works, Feb. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
United States	Dollar				1,788.95				1,788.95
Korea	Yuan		832.00						832.00
China	Dollar	1,515.24	183.00					1,515.24	183.00
Hong Kong	Dollar	6,100	787.50					6,100	787.50
Edward Gresser:									
United States	Dollar				1,788.95				1,788.95
Korea	Yuan		832.00						832.00
China	Dollar	1,515.24	183.00					1,515.24	183.00
Hong Kong	Dollar	6,100	787.50					6,100	787.50
David Podoff:									
United States	Dollar				993.10				993.10
Canada	Dollar	207.90	154.00					207.90	154.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			3,759.00		4,571.00				8,330.00

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Nov. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
India	Dollar		150.00						150.00
Senator Christopher J. Dodd:									
United States	Dollar				194.00				194.00
Senator Chuck Hagel:									
China	Yuan	8,567.72	936.00					8,567.72	936.00
Senator John F. Kerry:									
Hong Kong	Dollar	3,038	393.00					3,038	393.00
United Kingdom	Pound	202	354.00					202	354.00
Senator Charles S. Robb:									
Bangladesh	Dollar		201.00						201.00
Egypt	Dollar		226.00						226.00
India	Dollar		712.00						712.00
Japan	Dollar		308.00						308.00
Nepal	Dollar		31.00						31.00
Pakistan	Dollar		125.00						125.00
Sri Lanka	Dollar		196.00						196.00
United States	Dollar				6,151.80				6,151.80
Senator Gordon H. Smith:									
Cyprus	Pound	49.06	96.59					49.06	96.59
Greece	Drachma	23,803.62	88.08					23,803.62	88.08
Turkey	Dollar		591.00						591.00
United States	Dollar				2,461.50				2,461.50
Senator Paul Coverdell:									
Guatemala	Dollar		40.00						40.00
United States	Dollar				1,328.00				1,328.00
Alex Albert:									
Guatemala	Dollar		60.00						60.00
United States	Dollar				1,475.00				1,475.00
Stephen E. Biegun:									
Austria	Dollar		1,115.00						1,115.00
Hungary	Dollar		494.00						494.00
United States	Dollar				1,422.30				1,422.30
Stephen E. Biegun:									
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		834.00						834.00
Germany	Dollar		645.00						645.00
United States	Dollar				3,835.50				3,835.50
Marshall Billingslea:									
Austria	Dollar		570.00						570.00
Hungary	Dollar		570.00						570.00
United States	Dollar				1,355.60				1,355.60
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		835.00						835.00
United States	Dollar				2,669.00				2,669.00
Ellen Bork:									
Indonesia	Dollar		1,235.00						1,235.00
Hong Kong	Dollar		394.00						394.00
United States	Dollar				4,848.00				4,848.00
Peter Cleveland:									
Egypt	Dollar		226.00						226.00
India	Dollar		712.00						712.00
Pakistan	Dollar		125.00						125.00
Nepal	Dollar		31.00						31.00
Bangladesh	Dollar		201.00						201.00
Sri Lanka	Dollar		196.00						196.00
Japan	Dollar		308.00						308.00
United States	Dollar				6,151.80				6,151.80
Peter Cleveland:									
Singapore	Dollar		261.00						261.00
Indonesia	Dollar		1,002.00						1,002.00
United States	Dollar				4,888.00				4,888.00
Kate English:									
Germany	Dollar		1,784.00						1,784.00
United States	Dollar				1,037.90				1,037.90
Christine Erikastrup:									
Hong Kong	Dollar	6,101.48	788.00					6,101.48	788.00
People's Republic of China	Yuan	3,105	375.00					3,105	375.00
Garrett Grigsby:									
Eritrea	Dollar		900.00						900.00
United States	Dollar				5,711.80				5,711.80
Michael Haltzel:									
Germany	Dollar		440.00						440.00
Austria	Dollar		570.00						570.00
United States	Dollar				4,528.60				4,528.60
Kirsten Madison:									
Haiti	Gourde	4,058	233.00					4,058	233.00
United States	Dollar				716.00				716.00
Jamaica	Dollar		348.00						348.00
United States	Dollar				769.00				769.00
Patty McNeerney:									
Japan	Yen	227,820	1,794.00					227,820	1,794.00
China	Yuan	8,567.72	936.00					8,567.72	936.00
United States	Dollar				5,396.00				5,396.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roger Noriega:									
Mexico	Dollar		315.00		45.00				360.00
United States	Dollar				267.00				267.00
Kenneth Peel:									
Germany	Mark	2,854.37	1,559.00					2,854.37	1,559.00
United States	Dollar				2,649.00				2,649.00
Japan	Yen	227,820	1,794.00					227,820	1,794.00
China	Yuan	8,567.72	936.00					8,567.72	936.00
United States	Dollar				5,396.00				5,396.00
Kurt Plotenhauer:									
Turkey	Dollar		591.00						591.00
Greece	Drachma	56,105	207.60					56,105	207.60
Cyprus	Pound	58.06	114.31					58.06	114.31
United States	Dollar				2,461.50				2,461.50
Munro Richardson:									
China	Dollar		585.00						585.00
North Korea	Dollar		1,675.00						1,675.00
United States	Dollar				4,159.00				4,159.00
Christina Rocca:									
Turkmenistan	Dollar		482.00		116.00				598.00
Uzbekistan	Dollar		688.00						688.00
Kyrgyzstan	Dollar		909.00						909.00
Turkey	Dollar		258.00						258.00
United States	Dollar				5,691.80				5,691.80
Nancy Stetson:									
Taiwan	Dollar	33,410	1,035.00					33,410	1,035.00
Japan	Yen	75,997	591.00					75,997	591.00
Hong Kong	Dollar	2,898	375.00					2,898	375.00
United States	Dollar				5,950.00				5,950.00
Chris Walker:									
Eritrea	Dollar		950.00						950.00
Ethiopia	Dollar		564.00						564.00
Germany	Dollar		250.00						250.00
United States	Dollar				5,711.80				5,711.80
Michael Westphal:									
Eritrea	Dollar		950.00						950.00
Ethiopia	Dollar		564.00						564.00
Kenya	Dollar		1,175.00						1,175.00
United States	Dollar				5,871.40				5,871.40
Elizabeth Wilson:									
Turkey	Dollar		390.00						390.00
Greece	Drachma	51,347	190.00					51,347	190.00
Cyprus	Pound	60.95	120.00					60.95	120.00
United Kingdom	Dollar		360.00						360.00
United States	Dollar				4,448.50				4,448.50
Puneet Talwar:									
Bahrain	Dollar		253.00						253.00
Saudi Arabia	Dollar		246.00						246.00
Kuwait	Dollar		794.00						794.00
Lebanon	Dollar		200.00						200.00
Jordan	Dollar		240.00						240.00
Israel	Dollar		729.00						729.00
United States	Dollar				5,218.50				5,218.50
Jim Greene:									
Japan	Dollar		3,289.00						3,289.00
United States	Dollar				5,428.00				5,428.00
Marc Thiessen:									
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		834.00						834.00
United States	Dollar				2,669.60				2,669.60
Total			48,334.58		111,022.90				159,357.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Kessler:									
United States	Dollar				3,475.55				3,475.55
Kenya	Dollar		1,100.00						1,100.00
Tanzania	Dollar		400.00						400.00
Paul Matulic:									
Israel	Dollar		1,137.00						1,137.00
United States	Dollar				200.00				200.00
United States	Dollar				1,749.95				1,749.95
Louis Dupart:									
United States	Dollar				3,701.60				3,701.60
England	Pound	413.33	670.00					413.33	670.00
France	Franc	1,693.54	289.00					1,693.54	289.00
Belgium	Franc	19,866	550.00					19,866	550.00
Total			4,146.00		9,127.10				13,273.10

ORRIN HATCH,
Chairman, Committee on the Judiciary, Feb. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Louis Dupart:									
Haiti	Dollar		225.00						225.00
Total			225.00						225.00

ORRIN HATCH,
Chairman, Committee on the Judiciary, Feb. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			647.25		579.22				1,226.47
Randall Schieber			534.45		579.22				1,113.67
James Stinebower			708.25		583.82				1,292.07
Senator Richard C. Shelby			2,465.50		3,213.60				5,679.10
Taylor W. Lawrence			3,805.50		3,213.60				7,019.10
Daniel Gallington			1,184.30		4,501.60				5,685.90
Peter Flory			2,214.00		4,501.60				6,715.60
Kenneth Myers			290.00		5,263.80				5,553.80
Senator Richard Lugar			220.00		5,263.80				5,483.80
Linda Taylor			2,400.00		5,169.69				7,569.69
Arthur Grant			960.00		4,526.00				5,486.00
Paul Doerrer			2,465.50		3,213.60				5,679.10
James Wolfe			1,429.00		4,007.40				5,436.40
Peter Dorn			1,429.00		4,007.40				5,436.40
James Stinebower			1,749.00		4,465.40				6,214.40
Emily Francona			2,647.00		5,115.10				7,762.10
Lorenzo Goco			2,647.00		5,115.10				7,762.10
Peter Flory			2,647.00		5,115.10				7,762.10
Total			30,442.75		68,435.05				98,877.80

RICHARD C. SHELBY,
Chairman, Select Committee on Intelligence, Jan. 26, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakivsky:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		2,812.00						2,812.00
John Finerty:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		1,368.00						1,368.80
Chadwick Gore:									
United States	Dollar				3,670.00				3,670.00
Poland	Dollar		906.14						906.14
Robert Hand:									
United States	Dollar				1,624.95				1,624.95
Serbia-Montenegro	Dollar		734.00						734.00
Michael Hathaway:									
United States	Dollar				3,670.00				3,670.00
Poland	Dollar		395.78						395.78
Janice Helwig:									
Austria	Dollar				3,063.85				3,063.85
Turkey	Dollar		208.00						208.00
Uzbekistan	Dollar		2,153.00						2,153.00
Kyrgyzstan	Dollar		648.00						648.00
Kazakhstan	Dollar		253.00						253.00
Austria	Dollar		7,176.00						7,176.00
Poland	Dollar		2,280.00		490.83				2,770.83
Austria	Dollar		3,680.00						3,680.00
Denmark	Dollar		552.00		539.00				1,091.00
Austria	Dollar		736.00						736.00
Steny Hoyer:									
United States	Dollar				1,958.00				1,958.00
Denmark	Dollar		798.00						798.00
Marlene Kaufmann:									
United States	Dollar				1,958.00				1,958.00
Denmark	Dollar		579.00						579.00
Karen Lord:									
United States	Dollar				3,828.80				3,828.80
Poland	Dollar		1,824.00						1,824.00
Ronald McNamara:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		1,564.00						1,564.00
E. Wayne Merry:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		3,963.87						3,963.87
Michael Ochs:									
United States	Dollar				6,347.85				6,347.85
England	Dollar		102.00						102.00
Turkey	Dollar		416.00						416.00
Uzbekistan	Dollar		2,016.00						2,016.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Dollar		648.00						648.00
Kazakhstan	Dollar		1,518.00						1,518.00
Erika Schlager:									
United States	Dollar				3,824.30				3,824.30
Poland	Dollar		2,736.00						2,736.00
Dorothy Douglas Taft:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		2,401.95						2,401.95
Total			42,468.74		36,419.58				78,888.32

ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe,
Dec. 19, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Benza:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Total			1,541.00						1,541.00

STROM THURMOND,
President Pro Tempore, Feb. 10, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian Brzezinski:									
Turkey	Dollar		516.00						516.00
Azerbaijan	Dollar		573.00						573.00
Kazakhstan	Dollar		606.00						606.00
Uzbekistan	Dollar		592.00						592.00
Turkmenistan	Dollar		193.00						193.00
Norway	Dollar		305.00						305.00
Senator William V. Roth, Jr.:									
Estonia	Dollar		412.00						412.00
Germany	Dollar		223.00						223.00
Portugal	Dollar		206.00						206.00
Senator Robert Bennett:									
Estonia	Dollar		369.00						369.00
Germany	Dollar		223.00						223.00
Portugal	Dollar		206.00						206.00
Kent Bonham:									
Germany	Dollar	1,827.78	1,025.00					1,827.78	1,025.00
United States	Dollar				1,037.90				1,037.90
Ian Brzezinski:									
Estonia	Dollar		412.00						412.00
Germany	Dollar		446.00						446.00
Total			6,306.00		1,037.90				7,344.90

TRENT LOTT,
Majority Leader, Jan. 23, 1998.

ORDERS FOR MONDAY, MARCH 2, 1998

Mr. THOMAS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 2, and immediately following the prayer, the routine requests through the morning hour be granted, and there be a period for morning business until 2 p.m., with the time equally divided among the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1173

Mr. THOMAS. Mr. President, I ask unanimous consent that at the hour of 2 p.m. on Monday, March 2, the Senate resume consideration of S. 1173, the ISTEIA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD TO REMAIN OPEN UNTIL 2 P.M. TODAY

Mr. THOMAS. Mr. President, I ask unanimous consent that the RECORD stay open until 2 p.m. today for the in-

troduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMAS. Mr. President, in conjunction with the previous unanimous consent agreements, Monday the Senate will be in a period for morning business from 12 noon until 2 p.m. At 2 p.m., the Senate will resume consideration of S. 1173, the so-called ISTEIA legislation. It is hoped that the Senate will be able to make good progress on

this important legislation during Monday's session. In addition, the Senate may consider any executive or legislative business cleared for floor action. Therefore, rollcall votes are possible Monday after 5 p.m.

ORDER FOR ADJOURNMENT

Mr. THOMAS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

NATO EXPANSION MORATORIUM CONDITION

Mr. WARNER. Mr. President I wish to associate myself with other colleagues who have risen today to address the importance of the issue of NATO expansion. For almost a year's time now, I have expressed publicly, both in this country and in Europe, my deep reservations about the proposed expansion of this alliance. I listened carefully to a briefing about the remarks of my colleagues today, and I wish to associate myself with their remarks because I think this body must spend whatever time it feels is necessary to carefully analyze this question.

NATO was put in place at a historic moment in our history. I always credit President Harry Truman for his foresight, together with that of others, regarding the importance of this wonderful, absolutely magnificent, military alliance that has exceeded, in every way, the expectations of its founders. Unquestionably, in this Senator's mind, and I think in the minds of many, we averted a military confrontation with the former Soviet Union as a consequence of the NATO treaty. I think that the basic tensions that existed in Europe at that time exist today, although not at the same level of intensity.

There has always been a measure of instability between the major powers on the continent and indeed with Great Britain. The United States has fulfilled, I think, quietly, nevertheless effectively, a strong, steady hand on those competitive forces amongst those very ancient nations—certainly ancient in terms of the 200-plus-year history of this country—as they have struggled in terms of economic competition and, indeed, tragically in military confrontations in years past.

My father served in World War I in France as a doctor. That was the first time that the United States really responded militarily by going to that continent. And then, of course, World War II is very clear in the memories of all. So those are just two examples.

So, Mr. President, I rise today as in executive session to submit for the RECORD a condition that I will seek to attach to the Resolution of Ratification, the U.S. Senate's procedure under the "advice and consent" clause of the U.S. Constitution, to facilitate the proposed NATO expansion.

I ask unanimous consent that the text of the condition be printed in the RECORD at this point.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in the resolution, insert the following:

() UNITED STATES POLICY REGARDING FURTHER EXPANSION OF NATO.—Prior to the date of ratification of the Protocols by the United States, the President shall certify to the Senate that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years beginning on the date of entry into force of the last of the Protocols to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic to enter into force.

Mr. WARNER. Mr. President, I would like to thank my distinguished colleague, Senator MOYNIHAN, from New York from being my principal co-sponsor. Throughout he has been a consistent supporter of this objective and will be the principal Member from the other side of the aisle as I work this amendment among our body.

Let me also say thanks for the very important contributions of Senator BINGAMAN. He serves on the Senate Armed Services Committee with me. He is a broad-based thinker on national security issues, and he will be joining us as we seek to get the support of our colleagues.

As I stated throughout last year, 1997, and continuing this year, I publicly have spoken here and in Europe regarding my deep concerns over the proposed expansion of NATO by admitting Poland, Hungary, and the Czech Republic, which is the current proposal.

I believe these accessions are not in the security interests of the NATO alliance. My detailed reasons against are to be found in earlier statements.

In the course of the ratification debate, I will work with colleagues in opposition to the ratification of these three nations. I view my amendment, however, as supportive of our shared goals, and in no way should it be viewed as a concession on my part in my opposition or an indication that I accept the accession of Poland, Hungary and the Czech Republic as a fait accompli. But I have had this amendment in mind, and I have spoken about it. I discussed it at length at the Wehrkunde conference a few weeks ago when I was privileged to be in the company of the Secretary of Defense and the delegation from the Senate that

was headed by Senator MCCAIN, one of our most valued Members in areas of national defense. I am not suggesting that either of those persons share my view, but I did at that time express it very clearly to a number of persons attending that conference.

This condition does not affect the three nations currently under consideration for NATO membership—Poland, Hungary, and the Czech Republic. Rather it focuses on the future by requiring a "strategic pause" of 3 years before proceeding with any further expansion of NATO membership.

As to my reasons for opposition to NATO expansion, I start from the basic premise that NATO has been the most successful military alliance in the history of the United States, perhaps, in the history of the world. NATO has surpassed all of the expectations of its founders, keeping peace in Europe for almost 50 years and emerging victorious in the cold war. In my view, NATO remains a vital, effective military alliance which will continue—in its present form—to be the bedrock of U.S. security policy in Europe.

In his biography, Harry Truman cited NATO, together with the Marshall plan, as the greatest achievements of his Presidency. The Senate should not do anything to undermine his legacy or the effectiveness of this great alliance.

The condition I am introducing today is straightforward. It requires the President to certify "that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years" beginning on the date of entry into force of the last of the Protocols of Accession of Poland, Hungary and the Czech Republic.

Why is this condition necessary? Assuming the Protocols of Accession are approved by all 16 nations, this condition would give NATO an opportunity to begin to integrate the first three new members and assess the impact of this first round of expansion before proceeding to any future rounds.

There are many unanswered questions concerning this first round of expansion.

What will the true costs of expansion be for current and new members? Estimates have ranged from a low of \$1.5 billion over 10 years to a high of \$125 billion over the same timeframe. What is the U.S. share of this cost and will our current allies fairly share the burdens of expansion?

How long will it take for these new nations to modernize their militaries to the point where they can make a positive contribution to the security of the alliance? NATO's 10-year cost time line indicates that NATO is planning on at least a decade of modernization and integration efforts. Do we really want to add additional burdens to that ambitious plan?

On a related issue, Thursday's "Washington Post" carried an article entitled, "Poland Unable to Perform All NATO Tasks." Citing "budgetary shortfalls," the Polish Defense Ministry announced that Poland would only be able to meet 70% of its expected military roles within NATO upon accession. What is interesting about this story is not the military shortfalls—which many of us anticipated—but the fact that these shortfalls are being revealed as NATO is currently going through the process of assessing the military capabilities of these three nations and establishing force goals for them. This is a process which will not be completed until late spring or early summer—months after the Senate is being asked to act on these Protocols.

I am led to the inevitable conclusion that we are being asked to act on the vital issue of NATO expansion in an information vacuum. In an October 1997 statement to the Senate Budget Committee, Susan Eisenhower addressed this issue with a frightening analogy: "If ratification is to be voted on now or in the next session, it would be as if an air traffic control agent had cleared a plane for take-off, knowing full well that the crew on board had filed several contradictory flight plans, didn't know when or if they'd pick up other passengers, and weren't even sure that their landing gear worked."

Returning to my series of questions: How will the Russians react to the reality of NATO expansion eastward? While I agree that the Russians should not be placed in a position of dictating United States or NATO policy, we must factor into this equation the reaction of the only nation on earth that possesses the military capability to destroy our nation.

Will the American people support the use of U.S. troops to defend Poland, Hungary, the Czech Republic, and possibly more nations in Central and Eastern Europe? Or are our security commitments being stretched too thin?

Time alone will answer these questions. We should not rush forward with a follow-on expansion round beginning in April 1999, immediately after these first three new members take their seat at the table. We need to know the impact of this first round on the alliance and not allow ourselves to be swayed by political reasons to rush ahead, uninformed.

I well remember the NATO debates of the 1980's when Senator Mansfield, former majority leader, led the charge to withdraw our troops from Europe. Others picked up his mantle when he departed the Senate. Almost annually, those of us who supported NATO were summoned to come to the floor and defend the U.S. troop commitment to NATO. I fear that we could see a repeat of those times if we do not proceed cautiously with NATO expansion, and en-

sure that any expansion has the full support of the American people who will ultimately bear the burden for these added security commitments.

In a June 1997 report entitled, "NATO Expansion: A Bridge to the Nineteenth Century," Professor Michael Mandelbaum expressed these concerns in the following way:

When the American public decides that an international commitment has been extended under false pretenses, or that such a commitment is more expensive than its government has promised, or that whatever the government has promised the cost of the commitment is too high, it tends to withdraw its support, which causes the commitment in question to collapse.

That is my biggest fear with NATO expansion—that it could undermine the American public's support for NATO itself.

I believe the 3-year timeframe contained in this condition is a reasonable one. It is long enough for NATO to have made a reasonable assessment of the impact of the first round, but it is not so long as to remove hope from future aspirants to NATO membership. Many have advocated a longer moratorium. My good friend and former colleague Sam Nunn, when he was still in the Senate, recommended a 10-year pause between rounds.

Senator Nunn recently joined with Senator Baker, General Scowcroft, and Alton Frye in an excellent op-ed regarding NATO expansion entitled, "NATO: A Debate Recast." They join me in a call for caution on any further rounds of expansion. According to this article, "NATO should be the cornerstone of an evolving security order in Europe . . . But a cornerstone is not a sponge. The function of a cornerstone is to protect its own integrity to support a wider security structure, not to dissipate its cohesion by absorbing members and responsibilities beyond prudent limits." They recommend a "definite, if not permanent, pause" in the process of expansion.

Former Secretaries Perry and Christopher also recently joined the ranks of those urging caution regarding further expansion of the alliance. I do not want to misrepresent their position—they clearly state that the door should remain open to membership for all Partnership for Peace nations. However, they argue that "no additional nations should be designated for admission until the three countries now in the NATO queue (Poland, Hungary and the Czech Republic) are fully prepared to bear the responsibilities of membership and have been fully integrated into the alliance military and political structures." While they do not endorse the idea of a mandated pause, they clearly believe that the process should be slowed down. I agree.

I urge my colleagues to join me in this endeavor to inject an element of caution into U.S. policy on this important issue.

I also want to add that in the course of my trip to Europe two weeks ago with the Secretary of Defense, we visited Russia. We visited with the Defense Minister, Marshall Sergeyev, and the Foreign Minister, and we had a very valuable session with about eight members of the Russian Duma. NATO expansion was their No. 1 area of concern regarding the relationship between the United States and Russia today. That relationship, in the minds of many, is deteriorating—deteriorating at the very time when we are making a number of collaborative efforts to try to lessen not only tensions that still remain between our two nations but in furtherance of the recognition that the world can become a more peaceful and a more secure place if Russia and the United States join in many areas to provide that peaceful security.

For example, Bosnia. Today there is a contingent of professional Russian military serving alongside U.S. forces and those of our allied nations. That is a most historic first.

While in Russia with the Secretary of Defense, we went to visit facilities which are utilizing moneys authorized and appropriated by the U.S. Senate, and Congress as a whole, again directed towards lessening the tensions between these two nations in the area of nuclear weapons.

We saw, for example, where American taxpayer dollars paid for equipment which the Russians are now using to dismantle, in accordance with framework of treaties, nuclear weapons in a safe manner using technology which originated here in the United States and supplemented by technology in Russia. There is only really one major threat to the security of this country that always hangs above all others; that is, that Russia still possesses, and for the foreseeable future will possess, a nuclear arsenal that could devastate our Nation. I am not suggesting in any way that we are not making progress toward the lessening of tensions, but it remains there. Of course, beneath that is the threat of spreading knowledge relating to weapons of mass destruction. Much of that knowledge is leaking out of the former Soviet Union, today Russia, as to how to manufacture those weapons.

I think that we should address in the context of the expansion argument the concerns of the Russian Duma, or the Russian leadership, regarding this expansion and how it might affect our relationship with Russia at this critical point in time.

This valuable NATO alliance has been with us for over a half a century. I don't suggest that we spend the next half century considering this expansion issue, but certainly the several months that we need can be allocated to the important debate that will take place in this Chamber, maybe a time less

than several months, but certainly not this rush of schedule that we are on now.

So I raise these issues today because the distinguished chairman of the Foreign Relations Committee, I understand, intends to have a markup next week. I think, in fairness to him and to the colleagues on that committee and to other Senators, I and others should express these concerns in a timely fashion today.

Mr. President, that concludes my remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I also ask unanimous consent that I be permitted to speak for up to 10 minutes, prior to adjournment. Understanding, therefore, that I am all that stands between the Chamber and adjournment, I will try to speak less than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NYKESHA SALES

Mr. LIEBERMAN. Mr. President, one of the great opportunities that comes with having been elected a Member of the U.S. Senate is to participate in deliberations on this great floor. Not just, may I say, the discussions and debates and votes on specific legislation, but to participate in what we call here morning business, which I have always seen as the people's forum, an opportunity to speak on events of the day, both public and, in some senses, those that are more personal. I would like to do that this morning.

The subject involves athletics, but it also involves, I think, values. This will not be the first time that any Member of the Senate has spoken on the floor about athletics, particularly about a team in his or her own home State. But the circumstances that lead me to stand today are somewhat different. In my own home State of Connecticut, and it seems in many places across the Nation, there are discussions in newspapers, in diners, on the radio, probably around the water cooler at the office, about what happened on the UCONN women's basketball team this week. Our great coach, Geno Auriemma, coach of our No. 2 ranked University of Connecticut women's basketball team—and, I may say with some honesty and a certain amount of envy, the occupant of the chair happens to come from the State where the No. 1 team is, Tennessee. But Coach Auriemma gave a most unusual gift, as

it was put, to his All-America forward, Nykesha Sales, who is also a native of the State of Connecticut.

As is known by most, with the help of the Villanova Wildcats, who UCONN was playing on this occasion, the coaches, the referees, in fact even with the help and consent of Big East Commissioner Mike Tranghese, Coach Auriemma gave Nykesha Sales her place as an all-time leading scorer in Connecticut women's basketball history.

That seems generous enough and positive enough, but, as my colleagues probably know, the record has been called into question. Although the box score lists those two points, they were obtained through an uncontested lay-up that required the involvement and consent, if you will, of every player on the floor of that arena and of the coaches as well.

Three days prior to that match, that basketball game against Villanova, Nykesha Sales ruptured her Achilles' tendon, thus ending her season and, since this is her senior year, her career at the University of Connecticut, leaving her just two points short of the record as the all-time women's basketball scorer, a record that we all felt, who have watched this wonderful young woman with pride over these last years—we all knew she deserved. This was heartbreaking news, not just to her and her family but to the entire team, to the coach, to fans throughout the State and I would guess fans of college basketball everywhere. So Coach Auriemma reacted as a human being with a big heart, which he has; as a great coach as well. He went to the extra effort to arrange a way for his star player to get that game-time basket that she needed to establish her place in the University of Connecticut record books.

Since that moment, Tuesday night of this week, Coach Auriemma has been criticized by many who say that this gift that he gave, which a lot of us feel was not just a gift but something Nykesha Sales earned over her extraordinary career at the University of Connecticut, somehow calls into question the integrity of the game, that in some way it is another form of cheating, some have said surprisingly, and that it in some way cheapens the record.

I rise today to say to my colleagues here in the Senate that I feel quite the opposite. I think in this gesture, in this act, Coach Auriemma, the coach of the Villanova team, and all the other players on the field, have reminded us that beneath the thrill of victory and the agony of defeat with which they and we all identify, sports can provide opportunities for values to be learned and for lessons to be conveyed. Sports are a passion here in America. I yield to that passion myself. We find a way, over and over, to take personally the things that happen on courts and in stadiums

around the country. The reason I think we are so attuned to these events is because of the complex web of individual dramas underneath the final score that keeps us riveted throughout the seasons and throughout the years.

Just as teams become families among themselves when they are at their best, so do our favorite teams, in fact, become our own extended families. Former Connecticut women's basketball star, current professional basketball star Rebecca Lobo perhaps said it best about the events of this week, when she said, "if the UCONN family"—and I stress the family here—"doesn't have a problem with it, why does everyone else?" In fact, this was a University of Connecticut basketball record, a school record.

There are obviously unforgettable moments in sports, moments when we are all left full of pride, sometimes full of despair, disappointment. We in Connecticut have had our share, like the extraordinary Tate George buzzer-beater in the 1990 NCAA tournament, the same NCAA championship that the same UCONN women's basketball team won in 1995. But I would say that the record that Nykesha Sales established this week joins that kind of high ranking of memorable and historic events in Connecticut sports history. It's true that Nykesha's basket may not have been the single greatest moment of her athletic prowess, nonetheless it was a remarkably profound moment of sportsmanship, of values, of team spirit, of a sense of family that these teams at their best exemplify.

For those who would condemn or criticize a caring coach and a grateful player for doing this, I really ask you to reconsider, again, beneath the box score, the final tally, the thrill of victory or the agony of defeat, what these sports, particularly at the college level, can convey to those who participate in them. I think we have a coach here, and a player, who have exemplified the very best in their careers. Coach Auriemma displayed a level of concern and, in fact, a kind of courage in doing what he did, and it exemplifies the program that athletic director Lew Perkins has set up at the University of Connecticut, and that not only Coach Auriemma and the women's team exemplify but Coach Jim Calhoun on the men's team do as well. These are families. These two coaches are, in a way, for the sake of those families, the fathers. They practice a kind of what some may call "tough love." They demand a lot of their players, but they also give a lot back to those players.

There are no two more competitive coaches, no two more competitive teams; yet, underneath that, extraordinary personal relationships have developed. I always take great pride and am moved by the stories of the UCONN basketball players, men and women, when they leave the school, graduate

and go on—and this, of course, is true throughout the country and important to remember—that they have a tendency to call the coaches for advice about personal decisions in their lives. So there are lessons learned here and values exemplified. Perhaps these don't receive as much attention as they should in the coverage of sports today. But, again, particularly at the college level, I think that this is ultimately what it is all about.

In this unusual act, Coach Auriemma, and everyone else who was involved in this decision, I think, has not only done the right thing, but have reminded us that as much as we all share in the exultation of victory and the agony of defeat when it affects our team, that something else is going on which is that individual skills are being developed, that relationships are being formed, that a kind of community is being formed, that people ac-

cept responsibility for one another, and that those values—as we have seen as these players have left the University of Connecticut and so many other college programs around the country—those values, those relationships, that trust continues on beyond and after the competitive days. It leaves us, thrilled as we all are to follow our favorite teams, with lessons that are ultimately more lasting and certainly are profoundly encouraging. So, perhaps it is only sports. Maybe we all make too much of it. But I wanted to rise to the defense of a great coach, a great player, a great program, a great team, and tell them that I am proud of them.

I would say, finally, and with all respect to the occupant of the chair, it is going to be hard for this UCONN women's basketball team to go on to the post-season competition without Nykesha Sales, who was their star. I know they are going to give it their

all, and I want to say to them that no matter what happens in this NCAA post-season competition, that as far as I am concerned—and I am sure I speak for everybody in the State of Connecticut, regardless of what the results are—this team and this coach, both on the court and off, are winners.

I thank the Chair and I believe with that and yielding of the floor, the Senate will be adjourned.

ADJOURNMENT UNTIL MONDAY,
MARCH 2, 1998

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until noon, Monday, March 2, 1998.

Thereupon, the Senate, at 12:43 p.m., adjourned until Monday, March 2, 1998, at 12 noon.